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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORRIS MESTER,

Plaintiff,

No. 2:09-cv-3307 FCD KJN P

vs.

K. DICKINSON, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_/

Pursuant to this court’s screening of plaintiff’s original complaint pursuant to 28 U.S.C. § 1915A(a), the court found that the complaint may state cognizable claims against defendants A. Miller, B. Reed, W.J. Sinkovich and T. Robertson, but did not state a claim against the remaining defendants. (Dkt. No. 24.) The court gave plaintiff the option of proceeding on his original complaint or filing an amended complaint that added a cognizable claim against the remaining defendants. However, on August 5, 2010, plaintiff chose to proceed on his original complaint against defendants A. Miller, B. Reed, W.J. Sinkovich and T. Robertson, effectively choosing to terminate this action against the remaining defendants.

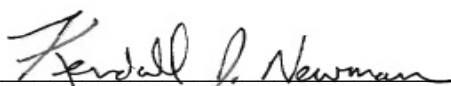
Accordingly, IT IS HEREBY RECOMMENDED that defendants Dickinson, Flores, Dilen, Gray and Mitchell be dismissed from this action.

These findings and recommendations are submitted to the United States District

1 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-  
2 one days after being served with these findings and recommendations, plaintiff may file written  
3 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
4 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
5 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
6 F.2d 1153 (9th Cir. 1991).

7 DATED: August 12, 2010

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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