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

10 LAMONT WILLIAMS,

11 Plaintiff,

No. CIV S-10-0888 EFB P

12 vs.

13 C. FERGUSON, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. By order filed January 5, 2011, the court found that plaintiff had stated
18 cognizable claims against defendants Ballesteros, Burris, Ferguson, McCulley, Newton, and
19 Pavilioglo and informed plaintiff that he could proceed against those defendants or file an
20 amended complaint to attempt to state additional cognizable claims against defendants Fecht and
21 Cowgill. The court also informed plaintiff that it would consider plaintiff's decision to proceed
22 only against defendants Ballesteros, Burris, Ferguson, McCulley, Newton, and Pavilioglo as
23 consent to the dismissal of his claims against defendants Fecht and Cowgill. On January 21,
24 2011 and February 11, 2011, plaintiff returned documents for service against defendants
25 Ballesteros, Burris, Ferguson, McCulley, Newton, and Pavilioglo, electing not to file an
26 amended complaint to attempt to state cognizable claims against defendants Fecht and Cowgill.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's claims against defendants Fecht
2 and Cowgill are dismissed without prejudice.

3 Dated: March 16, 2011.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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