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

DANIEL CRUZ,

Plaintiff,

No. CIV S-10-1162 JAM EFB P

vs.

MICHAELS, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On September 28, 2010, the court screened plaintiff’s complaint, found that it did not state cognizable claims against “Warden,” Michaels, or “Chief Medical Officer,” and explained to plaintiff that he either could proceed with his action solely against defendants Reynolds, Clarke, Mallet, Walker, and Brown, or file an amended complaint in an attempt to state a claim also against “Warden,” Michaels, and “Chief Medical Officer.” On October 26, 2010, plaintiff submitted the documents necessary for service on Reynolds, Clarke, Mallet, Walker, and Brown along with a Notice of Submission of Documents, indicating that plaintiff elects to proceed solely against those defendants and consents to dismissal of all claims against “Warden,” Michaels, and “Chief Medical Officer.”

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1 Accordingly, it is hereby RECOMMENDED that “Warden,” Michaels, and “Chief
2 Medical Officer” be dismissed from this action.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
8 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: April 5, 2011.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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