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

JOSEPH DELGADO,

Plaintiff,

No. 2:10-cv-2379 KJN P

vs.

CDCR MEDICAL HEALTH CARE
DEPARTMENT, et al.,

Defendants.

ORDER and

FINDINGS AND RECOMMENDATIONS

_____/

By order filed September 14, 2010 (Dkt. No. 6), this court screened plaintiff's original complaint (Dkt. No. 1) pursuant to 28 U.S.C. § 1915A(a), and found that the complaint may state a cognizable claim against defendant Wedell, but does not state cognizable claims against the other named defendants, viz., CDCR Medical Health Care Department, Daly, Verga, Val, Duk, Liamcar, D. Russell, J. Ball, Sahuto and Cardeno. The court gave plaintiff the option of proceeding on his original complaint against defendant Wedell, or filing an amended complaint that may add cognizable claims against the other defendants. Plaintiff has chosen to proceed on his original complaint, by submitting documents to effect service of process upon defendant Wedell, and consenting to the dismissal, without prejudice, of the other named defendants. (Dkt. No. 10)

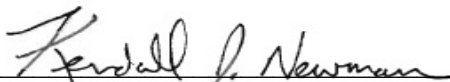
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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly
2 assign a district judge to this case.

3 Additionally, IT IS HEREBY RECOMMENDED that the following defendants be
4 dismissed without prejudice from this action: CDCR Medical Health Care Department, Daly,
5 Verga, Val, Duk, Liamcar, D. Russell, J. Ball, Sahuto and Cardeno.

6 These findings and recommendations are submitted to the United States District
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 21 days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
10 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
11 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
12 (9th Cir. 1991).

13 DATED: October 1, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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