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

BRIAN DARNELL EDWARDS,

Plaintiff,

No. 2: 10-cv-3461 WBS KJN P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

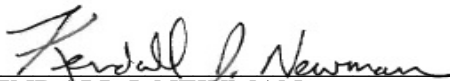
Pursuant to this court’s screening of plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A(a), the court found that the amended complaint states potentially cognizable claims against defendants Turner-Gambery, Cheney, Mitchell and Swingle, but did not state a claim against defendant McDonald. (Dkt. No. 14.) The court gave plaintiff the option of proceeding on his amended complaint or filing a second amended complaint that added a cognizable claim against defendant McDonald. Plaintiff chose to proceed on his amended complaint against defendants Turner-Gambery, Cheney, Mitchell and Swingle, effectively choosing to terminate this action against defendant McDonald.

Accordingly, IT IS HEREBY RECOMMENDED that defendant McDonald be dismissed from this action.

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

8 DATED: May 4, 2011

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11 KENDALL J. NEWMAN
12 UNITED STATES MAGISTRATE JUDGE

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