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

ANTHONY JONES,

Plaintiff,

No. CIV S-11-0192 MCE EFB P

vs.

TOFT, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. By order filed March 15, 2011, the court found that plaintiff had stated cognizable Eighth Amendment claims against defendants Toft and Blum and informed plaintiff he could proceed against those defendants on the Eighth Amendment claims only or file an amended complaint to attempt to state additional cognizable claims against defendants Toft and Blum for violation of plaintiff’s equal protection rights. The court also informed plaintiff that it would consider plaintiff’s decision to proceed only as to the Eighth Amendment claims against defendants Toft and Blum as consent to the dismissal of his equal protection claims against those defendants. On March 31, 2011, plaintiff returned documents for service against defendants Toft and Blum, electing not to file an amended complaint to attempt to state cognizable equal protection claims against those defendants.

