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

BRADY K. ARMSTRONG,

Plaintiff,

No. 2: 11-cv-0965 GEB KJN P

vs.

SILVIA GARCIA, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. The undersigned has separately issued an order screening plaintiff's amended complaint filed October 19, 2011. In this order, the undersigned found cognizable the Eighth Amendment claims against defendants Gillette, Barton, Callison, Dial, Roche, Rohfling, Davey, Mangis, Leo and James. The undersigned also found cognizable the retaliation claim against defendant Gillette based on her alleged failure to treat plaintiff for a stroke on April 26, 2004.

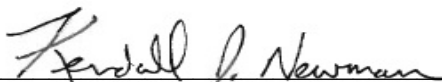
In this separate order, the undersigned found that plaintiff had not stated colorable retaliation claims against defendants Gillette, Barton, Callison, Roche, Rohfling, Mangis and Davey based on their alleged denial of plaintiff's request for a wheelchair. The undersigned also found that plaintiff's claims against defendants Garcia, Chandler, Young, Turner, Brewer,

1 McCue, Fernandez and Chan should be dismissed because they were unrelated to those claims
2 found cognizable. For the reasons stated in that order, the undersigned now recommends
3 dismissal of these claims.

4 Accordingly, IT IS HEREBY RECOMMENDED that the retaliation claims
5 against defendants Gillette, Barton, Callison, Roche, Rohlfing, Mangis and Davey based on their
6 alleged denial of plaintiff's request for a wheelchair be dismissed; the claims against defendants
7 Garcia, Chandler, Young, Turner, Brewer, McCue, Fernandez and Chan be dismissed.

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

16 DATED: November 8, 2011

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19 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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