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

MARCELLUS COOKSEY,

Plaintiff,

No. CIV S-11-1374 GEB EFB P

vs.

K. WIN, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

Plaintiff, an inmate confined at Pleasant Valley State Prison in Coalinga, proceeds without counsel in an action brought under 42 U.S.C. § 1983. By order filed January 4, 2012, the court found that plaintiff had stated sufficient allegations against defendants Chokatos and Fortune and informed plaintiff he could proceed against those defendants only or file an amended complaint to attempt to state cognizable claims against additional defendants. The court also informed plaintiff that it would consider plaintiff's decision to proceed only as to defendants Chokatos and Fortune as consent to the dismissal of defendants Win, McAlpine, Traquina, and Warren without prejudice. On January 19, 2012, plaintiff returned documents for service against defendants Chokatos and Fortune and consented to the dismissal of defendants Win, McAlpine, Traquina, and Warren without prejudice.

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1           Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's claims against  
2 defendants Win, McAlpine, Traquina, and Warren be dismissed without prejudice.

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: January 26, 2012.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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