

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILTON SYKES,
Plaintiff,
v.
ATHANNASIOUS, et al.,
Defendants.

No. 2: 12-cv-2570 TLN KJN P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding with counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. The undersigned has concurrently issued an order addressing plaintiff’s motion for leave to file an amended complaint and proposed amended complaint. (ECF No. 79.) In this order, the undersigned found that plaintiff’s claims against defendants California Department of Corrections and Rehabilitation (“CDCR”) and California Medical Facility (“CMF”) are barred by the Eleventh Amendment. The undersigned now recommends dismissal of defendants CDCR and CMF on these grounds.

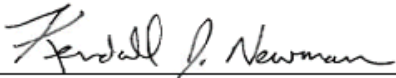
Accordingly, IT IS HEREBY RECOMMENDED that defendants CDCR and CMF be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
3 objections shall be filed and served within fourteen days after service of the objections. The
4 parties are advised that failure to file objections within the specified time may waive the right to
5 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: October 31, 2014

7
8 Sy2570.fr


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28