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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRES WILLIAMS,  
Plaintiff,  
v.  
FREEZE, et al.,  
Defendants.

No. 2:12-cv-2894 KJM KJN P

FINDINGS AND RECOMMENDATIONS

Pursuant to this court’s screening of plaintiff’s original complaint pursuant to 28 U.S.C. § 1915A(a), the court found that the complaint may state cognizable claims against defendants Boyd, Swetland and Dernoncourt, but did not state cognizable claims against defendants Swarthout, Freeze, Hardy, Foston, or Allen. (ECF No. 7.) The court gave plaintiff the option of proceeding on his original complaint or filing an amended complaint that added a cognizable claim against the latter defendants. Plaintiff chose to proceed on his original complaint against defendants Boyd, Swetland and Dernoncourt, effectively choosing to terminate this action against defendants Swarthout, Freeze, Hardy, Foston, and Allen.

Accordingly, IT IS HEREBY RECOMMENDED that defendants Swarthout, Freeze, Hardy, Foston, and Allen be dismissed from this action without prejudice.

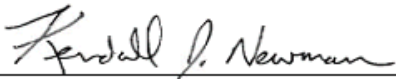
These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

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

7 Dated: October 24, 2013

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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