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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAY LEE VAUGHN, SR.,
Plaintiff,
v.
HOOD, et al.,
Defendants.

No. 2:14-cv-2235 MCE 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 states potentially cognizable claims against defendants Hood and Rollands, but did not state a claim against defendant Foulk. (ECF No. 9.) The court gave plaintiff the option of proceeding on his original complaint or filing an amended complaint that attempted to state a cognizable claim against defendant Foulk. Plaintiff chose to proceed on his original complaint against defendants Hood and Rollands, and in his notice of submission of documents form, signed November 20, 2014, consented to the dismissal of defendant Foulk without prejudice. (ECF No. 18 at 1.)

IT IS HEREBY RECOMMENDED that defendant Foulk be dismissed without prejudice.

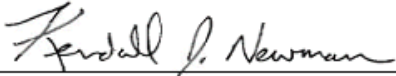
These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

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 reply to the objections
3 shall be filed and served within fourteen days after service of the objections. The parties are
4 advised that failure to file objections within the specified time may waive the right to appeal the
5 District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: December 15, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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