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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARRISON BURTON,
Plaintiff,
v.
J. CHENOWETH, et al.,
Defendants.

No. 2:14-cv-2331 KJN P

ORDER

Plaintiff consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c). 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 a potentially cognizable excessive force claim against defendant Chenoweth, but did not state a claim against defendant Chenoweth based on plaintiff’s improper search claim, or against defendant McDonald, for whom plaintiff included no charging allegations. (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 defendant McDonald, or attempted to state a cognizable claim against defendant Chenoweth based on an alleged improper search. Plaintiff chose to proceed on his original complaint against defendant Chenoweth on the excessive force claim, and in his notice of submission of documents form, consented to the dismissal of defendant McDonald, and the dismissal of plaintiff’s improper search claim against defendant Chenoweth, without prejudice. (ECF No. 10 at 1.)

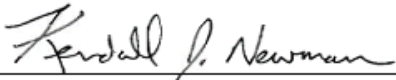
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IT IS HEREBY ORDERED that:

1. Defendant McDonald is dismissed without prejudice, and
2. Plaintiff's improper search claim against defendant Chenoweth is dismissed without prejudice.

Dated: December 15, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE