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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH B. GIBBS,
Plaintiff,
v.
MACCOMBER, et al.,
Defendants.

No. 2:15-cv-0061 KJM CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

On January 17, 2017, the court screened plaintiff’s amended complaint pursuant to its obligation to do so under 28 U.S.C. § 1915A. The court found that plaintiff’s amended complaint states claims upon which plaintiff may proceed against defendants Johnson and Prasinos for failure to protect plaintiff from violence in violation of the Eighth Amendment, and against defendant Prasinos for failure to provide plaintiff with adequate medical care also in violation of the Eighth Amendment. The court informed plaintiff he could proceed on those claims, or file a second amended complaint in an attempt to cure the deficiencies with other claims presented in his amended complaint. The time allotted for the filing of an amended complaint has expired. Therefore, this action will proceed on the claims against defendants Johnson and Prasinos identified above.

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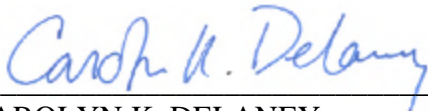
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In accordance with the above, IT IS HEREBY ORDERED that defendant Johnson file his response to plaintiff’s amended complaint within 14 days.¹

IT IS HEREBY RECOMMENDED that all defendants other than defendants Johnson and Prasinis be dismissed.

These findings and recommendations will be 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, plaintiff may file written objections with the court. The document should be captioned “Objections to Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: March 1, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

¹
gibb0061.1(B)

¹ Defendant Johnson waived service of plaintiff’s amended complaint on April 28, 2016. Defendant Prasinis answered plaintiff’s amended complaint on January 12, 2016.