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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH BUFFKIN,  
Plaintiff,  
v.  
J. FISK,  
Defendant.

No. 2:15-cv-0802-EFB P

ORDER SCREENING COMPLAINT  
PURSUANT TO 28 U.S.C. §1915A

Plaintiff is a state prisoner proceeding with counsel in an action brought under 42 U.S.C. § 1983. Plaintiff has paid the filing fee.

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” *Id.* § 1915A(b).


The court has reviewed the complaint (ECF No. 1) and for the limited purposes of § 1915A screening and liberally construed, finds that it states a cognizable claim for relief under section 1983 against defendant Fisk for use of excessive force in violation of the Eighth Amendment, as well as state law claims for battery and negligence.

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Accordingly, it hereby is ordered that:

1. Pursuant to 28 U.S.C. § 1915A, the complaint states a cognizable claim for relief under section 1983 against defendant Fisk for use of excessive force in violation of the Eighth Amendment, as well as state law claims for battery and negligence; and
2. The Clerk of the Court shall issue a summons and any appropriate new civil case documents.

DATED: April 28, 2015.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE