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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEJANDRO PRADO,
Plaintiff,
v.
GARY SWARTHOUT, et al.,
Defendants.

No. 2:15-cv-1866 WBS DB P

FINDINGS AND RECOMMENDATIONS


Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges he fell in the shower several times due to a cement block impediment because the showers are not compliant with the Americans with Disabilities Act. Upon screening, the court found, among other things, that plaintiff failed to state a claim against defendant Jimenez. (See Mar. 24, 2017 Order (ECF No. 15).) The court gave plaintiff thirty days to elect whether to proceed against some defendants or amend his complaint to attempt to state a cognizable claim against Jimenez. On April 11, 2017, plaintiff filed a Notice of Submission of Documents in which he chose to proceed on his first amended complaint, serve defendants Arnold, Blackwell, Matteson, and Swarthout, and dismiss defendant Jimenez without prejudice. (ECF No. 16.)

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1 Accordingly, IT IS HEREBY RECOMMENDED that defendant Jimenez be dismissed
2 from this action without prejudice.

3 These findings and recommendations will be submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, plaintiff may file written objections
6 with the court. The document should be captioned “Objections to Magistrate Judge's Findings
7 and Recommendations.” Petitioner is advised that failure to file objections within the specified
8 time may result in waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951
9 F.2d 1153 (9th Cir. 1991).

10 Dated: May 22, 2017

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14 DEBORAH BARNES
15 UNITED STATES MAGISTRATE JUDGE
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