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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROY AUBURN PECK, III,  
Plaintiff,  
v.  
HOPKINS, et al.,  
Defendants.

No. 2:17-cv-0430 JAM KJN P

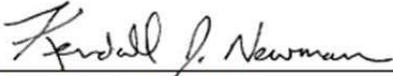
FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding without counsel. On June 16, 2017, the undersigned screened plaintiff’s amended complaint, and granted plaintiff leave to provide service of process documents for four defendants, or to choose to attempt to amend to address claims VI and VII, which the court dismissed with leave to amend based on insufficient factual allegations (claim VI) and unrelated claims (Claim VII). (ECF No. 16 at 2-3.) On July 7, 2017, plaintiff filed the documents for service of process on the four defendants, and opted not to file a second amended complaint, but rather consented to the dismissal of claims VI and VII without prejudice. (ECF No. 17.) Good cause appearing, IT IS HEREBY RECOMMENDED that plaintiff’s Claims VI and VII 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, plaintiff may file written objections

1 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.” Plaintiff is advised that  
3 failure to file objections within the specified time may waive the right to appeal the District  
4 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: July 13, 2017

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8 KENDALL J. NEWMAN  
9 UNITED STATES MAGISTRATE JUDGE

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