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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES CATO, JR.,
Plaintiff,
v.
M. DARST, et al.,
Defendants.

No. 2:17-cv-1873-TLN-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. By order filed June 15, 2018, the court found that service of the complaint is appropriate for defendants Delagarza-Dillard, Campbell, Snyder, Bennett, Darst, and Romero. ECF No. 8. The court informed plaintiff he could proceed against these defendants only or file an amended complaint within 30 days that also states a claim against defendants Shiplet and Albonico. *Id.* The time for amending has passed and plaintiff has elected to proceed only with the claims against defendants Delagarza-Dillard, Campbell, Snyder, Bennett, Darst, and Romero. *See* ECF No. 12.

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff’s claims against defendants Shiplet and Albonico 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

1 after being served with these findings and recommendations, any party may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
4 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
5 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: July 19, 2018.

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9 EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE
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