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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY BROOKS,
Plaintiff,
v.
S. LEE, et al.,
Defendants.

No. 2:18-cv-0374-WBS-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in an action brought under 42 U.S.C. § 1983. On March 15, 2019, the court determined that service of the complaint is appropriate for defendant Lee, but not for defendant Arnold. ECF No. 14. The court informed plaintiff he could proceed with his claim against defendant Lee or file an amended complaint within 30 days. *Id.* The time for amending has passed and plaintiff has elected to proceed only with the claim against defendant Lee. *See* ECF No. 17.

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff’s claims against defendant Arnold 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, any party may file written

1 objections 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.” Failure to file objections
3 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
4 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: April 29, 2019.

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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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