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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOE SAMUELS,  
  Plaintiff,  
  
                                  v.  
  
CHC FACILITY, et al.,  
  Defendants.

No. 2:18-cv-1107-JAM-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 October 11, 2018, the court determined that service of the complaint is appropriate for defendants Battle, Barocio, Shadrick, and Seninia, but not for defendant Martel. ECF No. 16. The court informed plaintiff he could proceed with his claims against defendants Battle, Barocio, Shadrick, and Seninia, or file an amended complaint within 30 days. *Id.* The time for amending has passed and plaintiff has elected to proceed only with the claims against defendants Battle, Barocio, Shadrick, and Seninia. *See* ECF No. 19.

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff’s claims against defendant Martel 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: November 26, 2018.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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