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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME MARKIEL DAVIS,  
  
Plaintiff,  
  
v.  
  
KIMBERLY SEIHEL, et al.,  
  
Defendants.

No. 2:18-cv-1261-TLN-EFB P

FINDINGS AND RECOMMENDATIONS


Plaintiff is a county jail inmate proceeding without counsel in an action brought under 42 U.S.C. § 1983. By order filed May 22, 2019, the court found that service of the amended complaint is appropriate for defendant Harrison. ECF No. 27. The court informed plaintiff he could proceed against defendant Harrison only or file a second amended complaint within 30 days that also states a claim against defendants Seihel and Kirby. *Id.* The time for amending has passed and plaintiff has elected to proceed only with the claim against defendant Harrison. *See* ECF No. 28.

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's claims against defendants Seihel and Kirby 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: June 25, 2019.

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7 EDMUND F. BRENNAN  
8 UNITED STATES MAGISTRATE JUDGE  
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