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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HAROLD HUNTER,
Plaintiff,
v.
GABRIEL WILLIAMS, et al.,
Defendants.

No. 2:19-cv-1101 CKD P

ORDER AND FINDINGS AND
RECOMMENDATIONS

By order filed June 3, 2020, plaintiff's complaint was screened and he was given the option to proceed immediately on his Eighth Amendment claims against defendant Do-Williams for moving him to an upper tier, taking away his wheelchair, and denying his request for a mobility vest and walker, or to amend the complaint. (ECF No. 6 at 10.) Plaintiff notified the court that he wanted to amend the complaint, (ECF No. 7), and was given thirty days to file an amended complaint (ECF No. 8). He was advised that if he failed to file an amended complaint the case would proceed on the original complaint, as screened, and it would be recommended that the non-cognizable claims against Do-Williams and all claims against defendants Williams, Gonzales, Battle, Adams, Halepota, Malakkla, Mansour, Cole, Kaur, Richardson, Infante, Porras, Nava, Recarey, Gail, Paik, Lowe, and Gu be dismissed without prejudice. Plaintiff was then granted two, sixty-day extensions of time to file his amended complaint. (ECF Nos. 12, 15.) The time for filing an amended complaint has now expired, and plaintiff has not filed an amended

1 complaint or otherwise responded to the court's order.

2 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly
3 assign a United States District Judge to this action.

4 IT IS FURTHER RECOMMENDED that, as set forth in the June 3, 2020 screening order:

5 1. This action proceed on the Eighth Amendment claims for deliberate indifference
6 against defendant Do-Williams on the grounds that she had him moved to an upper tier, took
7 away his wheelchair, and denied his requests for a mobility vest and walker.

8 2. Plaintiff's other claims against Do-Williams and all claims against defendants
9 Williams, Gonzales, Battle, Adams, Halepota, Malakkla, Mansour, Cole, Kaur, Richardson,
10 Infante, Porrás, Nava, Recarey, Gail, Paik, Lowe, and Gu be dismissed without prejudice for
11 failure to state a claim.

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with these findings and recommendations, plaintiff may file written objections
15 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
16 and Recommendations." Plaintiff is advised that failure to file objections within the specified
17 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
18 (9th Cir. 1991).

19 Dated: December 8, 2020

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21 _____
22 CAROLYN K. DELANEY
23 UNITED STATES MAGISTRATE JUDGE

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