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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ANTHONY LOVELL II,  
Plaintiff,  
v.  
N. WAKABAYASHI, et al.,  
Defendants.

No. 2:19-cv-1555 JAM AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights complaint filed pursuant to 42 U.S.C. § 1983, which challenges conditions of his prior confinement in the Solano County Jail. This action is referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c).

By order filed September 25, 2019, this court screened plaintiff’s complaint pursuant to 28 U.S.C. § 1915A and found that it states cognizable claims against defendants Guzman, Greiner and Wakabayashi, but not against a nurse identified only as “Claudine.” See ECF No. 8 at 4-6. The court provided plaintiff the options of (1) proceeding on his original complaint against all of the defendants except Claudine, or (2) filing a First Amended Complaint. Plaintiff has chosen to proceed on his original complaint only against defendants Guzman, Greiner and Wakabayashi. See ECF No. 11.

///

1           Accordingly, IT IS HEREBY RECOMMENDED that defendant “Claudine,” a certified  
2 nurse at the Solano County Jail, be dismissed from this action without prejudice.

3           These findings and recommendations are submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)  
5 days after being served with these findings and recommendations, plaintiff may file written  
6 objections with the court and serve a copy on all parties. Such a document should be captioned  
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that  
8 failure to file objections within the specified time may waive the right to appeal the District  
9 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 DATED: November 15, 2019

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12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ANTHONY LOVELL II,

No. 2:19-cv-1555 JAM AC P

Plaintiff,

v.

NOTICE OF ELECTION

N. WAKABAYASHI, et al.,

Defendants.

In compliance with the court's order filed \_\_\_\_\_, plaintiff elects to:

\_\_\_\_\_  
**Proceed on his original complaint against defendants Guzman, Greiner and Wakabayashi, for whom the following service documents are submitted herewith:**

- \_\_\_\_\_ One (1) completed summons form
- \_\_\_\_\_ Three (3) completed USM-285 forms (one for each defendant)
- \_\_\_\_\_ Four (4) copies of the endorsed original complaint

**OR**

\_\_\_\_\_  
**Proceed on a First Amended Complaint (FAC), submitted herewith.**

\_\_\_\_\_  
Date \_\_\_\_\_ Plaintiff \_\_\_\_\_