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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOEL JAMES CLOUD,
Plaintiff,
v.
COX, et al.,
Defendants.

No. 2:19-cv-2593 WBS DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On screening plaintiff’s complaint, this court: (1) found plaintiff stated cognizable claims for excessive force in violation of the Eighth Amendment against defendants Cox and Van Raiden; (2) dismissed plaintiff’s claims against defendants Hurlbert, Glenn, Lucero, Cox, Cea, Anaya, Martinez, Moss, Abamonga, Villalobos, Hutchinson, and Watkins with leave to amend; and (3) recommended dismissal of plaintiff’s claims against defendants Espinoza, Quam, and Kessler. (ECF No. 8.) Plaintiff was given thirty days to either file an amended complaint or inform the court that he wished to proceed on his Eighth Amendment claims against defendants Cox and Van Raiden.

In a document filed here on February 10, 2020, plaintiff stated that he wishes to proceed on his excessive force claim against defendants Cox and Van Raiden and understands that defendant Rodriguez will be dismissed from this action. (ECF No. 11.) Plaintiff then stated

1 “objections.” He argued that officers used unnecessary force in the cell extraction. In response,
2 this court noted that plaintiff appeared to be attempting to state a different claim than that
3 originally stated in his complaint. In an order filed February 14, this court provided plaintiff an
4 additional thirty days to file any amended complaint. (ECF No. 12.)

5 Thirty days have passed and plaintiff has not filed an amended complaint. Accordingly,
6 and for the reasons set out in this court’s January 28 and February 14 orders, this case will
7 proceed on plaintiff’s excessive force claims against defendants Cox and Van Raiden. This court
8 will order service of the complaint on Cox and Van Raiden by separate order. Here, this court
9 will recommend all other remaining claims and defendants be dismissed.

10 For the foregoing reasons, IT IS HEREBY RECOMMENDED that plaintiff’s claims
11 against defendants Hurlbert, Glenn, Lucero, Cox, Cea, Anaya, Martinez, Moss, Abamonga,
12 Villalobos, Hutchinson, and Watkins be dismissed.

13 These findings and recommendations will be submitted to the United States District Judge
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
15 being served with these findings and recommendations, plaintiff may file written objections with
16 the court. The document should be captioned “Objections to Magistrate Judge's Findings and
17 Recommendations.” Plaintiff is advised that failure to file objections within the specified time
18 may result in waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d
19 1153 (9th Cir. 1991).

20 Dated: April 14, 2020

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24 DEBORAH BARNES
25 UNITED STATES MAGISTRATE JUDGE

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