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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ANDREW DECKER,

Plaintiff,

v.

SHANNAH JOHNSON, et al.,

Defendants.

No. 2:22-CV-0258-DAD-DMC

FINDINGS AND RECOMMENDATIONS

Plaintiff, who is proceeding pro se, brings this civil action. Pending before the Court is Plaintiff’s original complaint, ECF No. 1.

The Court previously determined that Plaintiff’s complaint stated claims for relief against Defendants Ruiz and Johnson based on excessive force. See ECF No. 6. The Court also concluded that Plaintiff’s action could not proceed as against any other named defendant on any other claim. See id. To provide Plaintiff the fullest opportunity to explain his claims, Plaintiff was provided leave to amend. See id. Plaintiff was informed that, if he did not file an amended complaint within the time provided, the Court would direct that the action proceed as against Defendants Ruiz and Johnson only as to Plaintiff’s excessive force claims. See id.

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1 To date, Plaintiff has not filed an amended complaint within the time provided by
2 in the prior order and the Court finds that case should now proceed on Plaintiff's excessive force
3 claims as against Defendants Ruiz and Johnson only and that all other defendants and claims be
4 dismissed for the reasons outlined in the prior order. By separate order, the Court authorizes
5 service of process on the county defendants and will require Plaintiff to submit documentation
6 necessary for service by the United States Marshal.

7 Based on the foregoing, the undersigned recommends as follows:

8 1. This action proceed on Plaintiff's original complaint as to his excessive
9 force claims against Defendants Ruiz and Johnson only.

10 2. All other claims and defendants be dismissed.

11 These findings and recommendations are submitted to the United States District
12 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
13 after being served with these findings and recommendations, any party may file written objections
14 with the Court. Responses to objections shall be filed within 14 days after service of objections.
15 Failure to file objections within the specified time may waive the right to appeal. See Martinez v.
16 Ylst, 951 F.2d 1153 (9th Cir. 1991).

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18 Dated: July 31, 2023



19 DENNIS M. COTA
20 UNITED STATES MAGISTRATE JUDGE
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