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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH GODOY,
Plaintiff,
v.
A. FAVELA, et al.,
Defendants.

No. 2:22-cv-01673-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 13)

Plaintiff Kenneth Godoy is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 29, 2022, the assigned magistrate judge screened plaintiff's first amended complaint filed in this action and found that plaintiff had stated potentially cognizable Eighth Amendment claims against defendants Favela and Weatherwax for excessive use of force, but that plaintiff had failed to state any other cognizable claims. (Doc. No. 6.) Plaintiff was granted leave to file an amended complaint or notify the court of his willingness to proceed only on the claims found to be cognizable in the screening order within thirty (30) days after service of the screening order. (*Id.* at 5.) On December 14, 2022, plaintiff notified the court that he was willing to proceed only on the claims identified by the magistrate judge in the screening order as cognizable. (Doc. No. 9.)

