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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	VERNELL WATTS,	No. 2:22-cv-02311-EFB (PC)
12	Plaintiff,	
13	V.	ORDER AND FINDINGS AND RECOMMENDATIONS
14	PATRICK COVELLO, et al.,	
15	Defendants.	
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17	Plaintiff is a state prisoner proceeding without counsel and in forma pauperis in an action	
18	brought under 42 U.S.C. § 1983. As discussed in the concurrently issued screening order finding	
19	service of the first amended complaint appropriate for defendants Garibay, Pierce, Tsushko, and	
20	Vega, the first amended complaint names two additional defendants, Warden Patrick Covello and	
21	Chief Deputy Warden Bryan Holmes. The court recommends that the claims against defendants	
22	Covello and Holmes be dismissed without leave to amend because, despite an opportunity to	
23	amend, plaintiff has again failed to allege that either of these defendants personally participated in	
24	a violation of plaintiff's rights and their roles as supervisors are not a basis for liability. See	
25	Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989); see also Plumeau v. School Dist. # 40, 130	
26	F.3d 432, 439 (9th Cir. 1997) (denial of leave to amend appropriate where further amendment	
27	would be futile).	
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1	Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court randomly assign a	
2	United States District Judge to this action.	
3	Further, IT IS HEREBY RECOMMENDED that plaintiff's claims against Covello and	
4	Holmes be dismissed without prejudice.	
5	These findings and recommendations are submitted to the United States District Judge	
6	assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days	
7	after being served with these findings and recommendations, any party may file written	
8	objections with the court and serve a copy on all parties. Such a document should be captioned	
9	"Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections	
10	within the specified time may waive the right to appeal the District Court's order. <i>Turner v</i> .	
11	Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).	
12	al 110	
13	Dated: May 25, 2023.	
14	UNITED STATES MAGISTRATE JUDGE	
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