



(PC)Witkin v. Snelling et al

2024 | Cited 0 times | E.D. California | April 18, 2024

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1 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL AARON WITKIN,

Plaintiff, v. C. SNELLING, et al.,

Defendants.

No. 2:21-cv-02181 DAD AC

FINDINGS AND RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On March 13, 2024, the court screened the first amended complaint and found the following claims insufficient to proceed: plaintiff's claims against defendants Snelling, Lacompte, Conner, Benavidez, and Does 1-50; Claim Two against defendants Bennamon and Wheeler; Claim Four in its entirety; and Claim Six against defendants Brodie and Martinez. ECF No. 23. Plaintiff was given the options of amending the complaint or proceeding immediately on his cognizable claims against defendants Arrezola, Damacion, Sawyer, Bennamon, Wheeler, Gonzalez, Kahie, Brodie, Martinez and Pittsley as set forth in Section III of the March 13, 2024 screening order. ECF No. 23 at 7. Plaintiff was further advised that if he failed to notify the court how he wanted to proceed, the court would assume that he was choosing to proceed on the complaint as screened and would recommend the dismissal without prejudice of defendants Snelling, Lacompte, Conner, Benavidez, Does 1-50; Claim Two against defendants Bennamon 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

2 and Wheeler; Claim Four in its entirety; and, Claim Six against defendants Brodie and Martinez. Id. The time to notify the court has passed, and plaintiff has not made an election or otherwise responded to the court's screening order. Accordingly, IT IS HEREBY RECOMMENDED that, for the reasons set forth in the screening order dated March 13, 2024 (ECF No. 23), the following claims and defendants be dismissed without prejudice: defendants Snelling, Lacompte, Conner, Benavidez, and Does 1-50; Claim Two against defendants Bennamon and Wheeler; Claim Four in its entirety; and Claim Six against defendants Brodie and Martinez.



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These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judges Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). DATED: April 17, 2024

