

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rice v. Castellanos

Rice · No. 1:24-cv-01008-KES-EPG (PC) · Decided June 2, 2025

OPINION

(PC) Rice v. Castellanos

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

8 9 KORDY RICE, Case No. 1:24-cv-01008-KES-EPG (PC) 10 Plaintiff, FINDINGS AND
RECOMMENDATIONS

11 THAT THIS CASE PROCEED ONLY ON

v. PLAINTIFF’S CLAIMS: (1) EXCESSIVE

12 USE OF FORCE IN VIOLATION OF THE

E. CATELLANOS, et al., EIGHTH AMENDMENT AGAINST

13 DEFENDANTS CASTELLANOS AND E. Defendants. RAMIREZ; (2) FOR FAILURE TO

14 PROTECT IN VIOLATION OF THE

EIGHTH AMENDMENT AGAINST

15 DEFENDANT ROBB; AND (3) FOR

VIOLATION OF HIS RIGHT TO DUE

16 PROCESS UNDER THE FOURTEENTH

AMENDMENT AGAINST DEFENDANTS

17 BROWN, ARREOLA, AND ROBB

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(ECF NOS. 1, 13, 14)

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OBJECTIONS, IF ANY, DUE WITHIN 30

20 DAYS

21 22 Plaintiff Kordy Rice proceeds pro se and in forma pauperis in this civil rights action 23 filed
under 42 U.S.C. § 1983. (ECF Nos. 1, 6). Generally, Plaintiff alleges that prison officials 24 used
excessive force against him, failed to protect him from the use of excessive force, and 25 denied
him due process in connection with a prison disciplinary proceeding. 26 On March 11, 2025, the
Court screened the complaint, concluding that Plaintiff 27 sufficiently stated claims (1) for

excessive use of force in violation of the Eighth Amendment 28 against Defendants Castellanos and E. Ramirez; (2) for failure to protect in violation of the 1 || Eighth Amendment against Defendant Robb; and (3) for violation of his Fourteenth 2 |; Amendment right to due process against Defendants Brown, Arreola, and Robb. The Court 3 || explained why the complaint otherwise failed to state any claims and gave Plaintiff thirty days 4 || to either file (1) a notice to go forward on his cognizable claims, (2) an amended complaint; or 5 a notice to stand on his complaint and have it reviewed by a district judge. 6 On April 4, 2025, Plaintiff filed a notice stating that he wants to proceed only on the 7 || claims that the Court found cognizable. (ECF No. 14). 8 Accordingly, for the reasons set forth in the Court’s screening order that was entered on 9 || March 11, 2025 (ECF No. 13), and because Plaintiff has notified the Court that he wants to 10 || proceed on the claims that the Court found should proceed past screening (ECF No. 14), IT IS 11 || RECOMMENDED that all claims and Defendants be dismissed, except for Plaintiffs claims 12 || (1) for excessive use of force in violation of the Eighth Amendment against Defendants 13 || Castellanos and E. Ramirez; (2) for failure to protect in violation of the Eighth Amendment 14 || against Defendant Robb; and (3) for violation of his Fourteenth Amendment right to due 15 || process against Defendants Brown, Arreola, and Robb. 16 These findings and recommendations will be submitted to the United States District 17 || Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within 18 || thirty (30) days after being served with these findings and recommendations, Plaintiff may file 19 || written objections with the Court. The document should be captioned “Objections to Magistrate 20 || Judge’s Findings and Recommendations.” Any objections shall be limited to no more than 15 21 || pages, including exhibits. Plaintiff is advised that failure to file objections within the specified 22 || time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 23 |} (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). IT IS SO ORDERED. || Dated: _ June 2, 2025 [Je heey —

26 UNITED STATES MAGISTRATE JUDGE

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