IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DeWAYNE THOMPSON, Plaintiff, v. C. INGWERSON, et al., Defendants.	No. 2:25-CV-0167-WBS-DMC-P ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On October 21, 2025, the Court issued an order directing service of Plaintiff's first amended complaint as to First Amendment retaliation and Eighth Amendment medical and safety claims against Defendants Ingwerson, Perry, Dore, St. Andre, Rosas, Butterfield, and McPhetridge. See ECF No. 15. The Court also issued findings and recommendations that all other claims and defendants be dismissed. See ECF No. 14. On October 29, 2025, Plaintiff filed a document entitled "Voluntarily Dismissing Claims Deemed Not Cognizable, But Standing on All Other Cognizable Claims in First Amended Complaint." ECF No. 19. The Court will construe this filing as a request for voluntary dismissal of those claims identified in the October 21, 2025, order as defective. So construed, the request will be granted and the findings and recommendations at ECF No. 14 will be vacated.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations issued on October 21, 2025, ECF No. 14, are vacated.

2. Plaintiff's October 29, 2025, filing at ECF No. 19 is construed as a request for voluntary dismissal of all claims identified as non-cognizable in the Court's October 21, 2025, findings and recommendations.

3. So construed, Plaintiff's request for voluntary dismissal is approved.

4. This action shall proceed on Plaintiff's first amended complaint as to the following claims and defendants:

> Retaliation claims against: Defendants St. Andre, Dore, and Perry for telling other inmates Plaintiff reported dining workers for stealing apples to make homemade alcohol; Defendant St. Andre for writing a false RVR against Plaintiff on October 26, 2024; Defendant Perry for providing a deficient food tray to Plaintiff and threatening to write a RVR against Plaintiff on November 18, 2024; Defendant Perry for using his hands to smash Plaintiff's food on November 27, 2025; Defendant Rosas for threatening to do a cell search on December 10, 2024; Defendant McPhetridge for filing a false RVR against Plaintiff on December 23, 2025; Defendants Dore and Ingwerson, for conducting a retaliatory search of Plaintiff's cell, disposing of Plaintiff's personal items, and vandalizing his cell on December 23, 2024; and Defendant St. Andre for disposing of Plaintiff's personal property sometime between January 17, 2025, and February 4, 2025.
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> Eighth Amendment safety claims against: Defendants St. Andre, Dore, and Perry for telling other inmates Plaintiff reported dining workers for stealing fruit to make homemade alcohol; Defendant Rosas for calling Plaintiff a pedophile and asserting that Plaintiff reported cells containing contraband in front of other inmates on December 10, 2024; Defendants Perry and St. Andre for telling other inmates that Plaintiff reported the inmates for smuggling drugs into the building, which Plaintiff learned of on December 10, 2024; Defendant Ingwerson for telling another inmate that Plaintiff reported the inmate for having drugs in his cell on December 18, 2024; Defendant Dore and St. Andre for reading out loud and in front of other inmates from Plaintiff's complaint and telling inmates their cells were being searched due to Plaintiff's complaints on December 23, 2024; Defendant Ingwerson for announcing yard release was cancelled on December 27, 2024, with the purpose of having Plaintiff "targeted for attack;" and Defendant Butterfield for announcing on the prison PA system that yard was cancelled due to Plaintiff's fear of being attacked "due to snitching" on December 23, 2024.

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Eighth Amendment medical needs claims against: Defendant Perry for forcing Plaintiff to place all his weight on an injured leg on November 27, 2024, and against Defendant McPhetridge for undoing the safety straps that secured Plaintiff to a gurney on December 23, 2024.

5. All other claims are dismissed on Plaintiff's notice.

Dated: January 30, 2026

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE