

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

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VELTON LAMONT BOONE,
Plaintiff,
v.
SUSAN L. HUBBARD, *et al.*,
Defendants.

) Case No. CV 11-3980 JST (JCG)

) **ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, the Magistrate Judge’s Report and Recommendation, Plaintiff’s “Opposition to Magistrate Judge Jay C. Gandhi’s Report and Recommendation” (“Objections”), and the remaining record, and has made a *de novo* determination.

Plaintiff’s Objections reiterate the claims and arguments made in his First Amended Complaint, and lack merit for the reasons set forth in the Report and Recommendation. The fact remains that Plaintiff’s claim is premised upon his disagreement with prison doctors regarding his specific medical treatment. Such a claim is not cognizable under the Eighth Amendment.

///
///
///

1 Accordingly, IT IS ORDERED THAT:

- 2 1. The Report and Recommendation is approved and adopted.
3 2. Judgment be entered dismissing this action with prejudice.
4 3. The Clerk serve copies of this Order and the Judgment on the parties.

5
6
7 DATED: September 15, 2011

8 **JOSEPHINE STATON TUCKER**
9 **HON. JOSEPHINE STATON TUCKER**
10 **UNITED STATES DISTRICT JUDGE**