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

RICHARD JACKSON,
Plaintiff,
v.
E. GRANT, et al.,
Defendants.

No. CV 15-9642-RGK (PLA)
**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

**I.
INTRODUCTION**

On October 6, 2017, the United States Magistrate Judge issued a Report and Recommendation (“R&R”), recommending that this action be dismissed without further leave to amend for failure to state a claim. (ECF No. 91). On November 27, 2017, following an extension of time, plaintiff filed Objections to the R&R. (“Objections”; ECF No. 94).

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II.

DISCUSSION

In his Objections, plaintiff argues that his diabetic condition is a serious medical condition. The Magistrate Judge concluded, however, that plaintiff had adequately alleged an objectively serious medical need. See R&R at 5.

Next, in his Objections, as alleged in his pleadings, plaintiff’s only allegation concerning defendant Grant is that she “constantly illegally denied diabetic insulin” to plaintiff. (ECF No. 94 at 2). Although plaintiff now includes a list of “witnesses” (id. at 4), plaintiff once again fails to set forth factual allegations showing any specific incident when defendant Grant refused to provide, or prevented plaintiff from receiving, his insulin. Plaintiff also argues, with no supporting factual allegations, that defendant Grant’s “removal” from her position was relevant to plaintiff’s claim against her. (Id. at 3). In deciding whether plaintiff’s allegations plausibly state a claim, the Court does not assume that such conclusory and unsupported statements are true. See, e.g., Chavez v. United States, 683 F.3d 1102, 1108 (9th Cir. 2012) (“a court discounts conclusory statements, which are not entitled to the presumption of truth, before determining whether a claim is plausible”). Accordingly, nothing in plaintiff’s Objections alters the conclusion reached in the Report and Recommendation that plaintiff’s allegations are insufficient to nudge plaintiff’s federal civil rights claims “across the line from conceivable to plausible.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

III.

CONCLUSION

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Complaint, the other records on file herein, the Magistrate Judge’s Report and Recommendation, and plaintiff’s Objections to the Report and Recommendation. The Court has engaged in a de novo review of those portions of the Report and Recommendation to which objections have been made. The Court accepts the recommendations of the Magistrate Judge.

1 ACCORDINGLY, IT IS ORDERED:

2 1. The Report and Recommendation is accepted;

3 2. Defendants' Motion to Dismiss is **granted**, and plaintiff's federal civil rights claims
4 are **dismissed** without further leave to amend and with prejudice for failure to state a claim, and
5 his state law claims are **dismissed** without further leave to amend but without prejudice;

6 3. The clerk shall serve this Order on all counsel or parties of record.
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9 DATED: November 30, 2017



HONORABLE R. GARY KLAUSNER
UNITED STATES DISTRICT JUDGE

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