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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THOMAS DAVID SIDES,
Plaintiff

v.

DR. SEYED S. HOSSEINI, *et al.*,
Defendants.

Case No. CV 22-08334-DMG (GJS)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

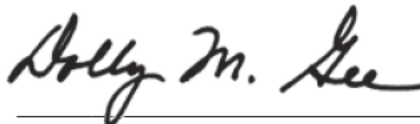
Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint [Doc. # 9], all relevant documents filed and lodged in this action, the motion to dismiss filed by Defendant Dr. Allan Delman [Doc. # 36, “Delman Motion”] and the parties’ related briefing [Doc. ## 40, 46], the motion to dismiss filed by Defendant Dr. Seyed S. Hosseini [Doc. # 38, “Hosseini Motion”] and the parties’ related briefing [Doc. ## 41, 45], Plaintiff’s “Motion to Amend Complaint to Correct” [Doc. # 47, “Amendment Motion”], and the Report and Recommendation of United States Magistrate Judge addressing these three motions [Doc. # 49, “Report”]. No Objections to the Report have been filed with the Court and the time for doing so has expired.

1 Having completed its review, the Court accepts the findings, conclusions, and
2 recommendations set forth in the Report. Accordingly, **IT IS ORDERED** that:

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- 4 (1) The Delman Motion is GRANTED and Defendant Delman is dismissed
5 with prejudice;
- 6 (2) The Hosseini Motion is GRANTED and the First Amended Complaint is
7 dismissed with leave to amend to afford Plaintiff a final chance to attempt
8 to state a viable Eighth Amendment-based *Bivens* claim against Defendant
9 Hosseini;
- 10 (3) Defendant Dr. Saroj Gulani is dismissed without prejudice pursuant to
11 Rule 4(m) of the Federal Rules of Civil Procedure;
- 12 (4) The Amendment Motion is DENIED; and
- 13 (5) If Plaintiff wishes to pursue this action, he must file and serve on
14 Defendant Hosseini a Second Amended Complaint within thirty (30) days
15 of this Order that corrects the defects of the First Amended Complaint as
16 outlined in the Report.

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18 DATED: June 6, 2024

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21 CHIEF UNITED STATES DISTRICT JUDGE

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