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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY CRAIG HUCKABEE,)	Case No.: 1:09-cv-00749-LJO-BAM (PC)
Plaintiff,)	
v.)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS REGARDING
MEDICAL STAFF at CSATF, et al.,)	DEFENDANT GARCIA’S MOTION TO DISMISS
Defendants.)	(ECF Nos. 67, 137)
)	
)	

Plaintiff Anthony Craig Huckabee (“Plaintiff”) is a state prisoner, currently proceeding pro se, in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint, filed on August 21, 2012, for deliberate indifference to a serious medical need in violation of the Eighth Amendment against Defendants McGuiness, Wu, Nguyen, Garcia, Jimenez, Jeffreys, Chief Medical Officer at CSATF, and Chief Pharmacist at CSATF.

On March 31, 2014, the Magistrate Judge issued Findings and Recommendations that Defendant Garcia’s amended motion to dismiss, filed on August 2, 2013, be granted. The Findings and Recommendations were served on the parties and contained notice that any objections must be filed within thirty days after service. (ECF No. 137.) On May 1, 2014, Plaintiff filed his objections. (ECF No. 147.) Defendant Garcia did not respond.

Plaintiff objects to the Magistrate Judge’s finding that Plaintiff’s claim against Defendant Garcia is barred by the statute of limitations. Plaintiff attempts to incorporate arguments regarding the

1 continuing violations doctrine previously submitted in his Motion for Reconsideration, which was
2 filed on December 23, 2013, and was related to a separate motion to dismiss. As acknowledged by
3 Plaintiff, this Court previously rejected application of the continuing violations doctrine. (ECF Nos.
4 96, 134.) The Court declines to further consider this argument.

5 Further, Plaintiff's argument regarding the admissibility of time-barred evidence also is
6 unavailing. The Magistrate Judge's findings regarding the statute of limitations applicable to any
7 claims against Defendant Garcia did not address the admissibility of evidence in this matter.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de
9 novo review of this case. Having carefully reviewed the entire file, including Plaintiff's objections,
10 the Court finds the Findings and Recommendations to be supported by the record and by proper
11 analysis as discussed.

12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 1. The Findings and Recommendations issued on March 31, 2014, are ADOPTED in full;
- 14 2. Defendant Garcia's amended motion to dismiss, filed on August 2, 2013, is GRANTED;
- 15 and
- 16 3. Plaintiff's claims against Defendant Garcia are DISMISSED from this action.

17 IT IS SO ORDERED.

18 Dated: May 16, 2014

/s/ Lawrence J. O'Neill
19 UNITED STATES DISTRICT JUDGE

20 4.