

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 MICHAEL SCOTT McRAE,

12 Plaintiff,

13 v.

14 BAIRAMIAN DIKRAN, et al.,

15 Defendants.
16
17
18
19

No. 1:16-01066-NONE-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANT BAIRAMIAN'S MOTION FOR
SUMMARY JUDGMENT AS TO BIVENS
CLAIMS, AND DECLINING TO EXERCISE
SUPPLEMENTAL JURISDICTION OVER
PLAINTIFF'S STATE LAW CLAIMS
AGAINST DEFENDANT BAIRAMIAN

(Doc. No. 80, 104.)

ORDER

20 Michael Scott McRae ("Plaintiff") is a former federal prisoner proceeding *pro se* and *in*
21 *forma pauperis* with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403
22 U.S. 388 (1971). The matter was referred to a United States Magistrate Judge pursuant to 28
23 U.S.C. § 636(b)(1)(B) and Local Rule 302.

24 On April 28, 2021, findings and recommendations were entered by the assigned
25 magistrate judge, recommending that defendant Dr. Bairamian's motion for summary judgment,
26 filed on October 23, 2020, be granted. (Doc. No. 104.) The parties were granted fourteen days
27 in which to file objections to the findings and recommendations. (*Id.*) The fourteen-day deadline
28 has now expired, and no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations entered on April 28, 2021, are adopted in full;
- 6 2. The motion for summary judgment filed by defendant Dr. Bairamian on October
7 23, 2020, is granted as to plaintiff's Bivens claims under the Eighth Amendment;
- 8 3. The court declines to exercise supplemental jurisdiction over plaintiff's state law
9 claims brought against defendant Bairamian by plaintiff;
- 10 4. Summary judgment is granted to defendant Dr. Bairamian;
- 11 5. This case now proceeds only against defendants David Betz and Kevin Cuong
12 Nguyen on plaintiff's Bivens claims for inadequate medical care and state law
13 claims for medical malpractice and medical battery;
- 14 6. The Clerk of Court is directed to reflect defendant Dr. Bairamian's dismissal from
15 this action on the court's docket; and
- 16 7. This case is referred back to the magistrate judge for further proceedings.

17
18 IT IS SO ORDERED.

19 Dated: July 15, 2021

20 
21 _____
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28