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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MICHAEL SCOTT McRAE,

12 Plaintiff,

13 v.

14 BAIRAMIAN DIKRAN, et al.,

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

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANT BETZ'S MOTION FOR
SUMMARY JUDGMENT AS TO BIVENS
CLAIMS, AND DECLINING TO EXERCISE
SUPPLEMENTAL JURISDICTION OVER
STATE LAW CLAIMS AND DIRECTING
THE CLERK TO ENTER JUDGMENT IN
FAVOR OF DEFENDANT BETZ AS TO THE
BIVENS CLAIM

(Doc. Nos. 81, 105.)

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 May 3, 2021, findings and recommendations were entered, recommending that
25 defendant Dr. Betz's motion for summary judgment, filed on October 27, 2020, be granted. (Doc.
26 No. 105.) The parties were granted fourteen days in which to file objections to the findings and
27 recommendations. (*Id.*) The fourteen-day deadline has now expired, and no objections have
28 been filed.

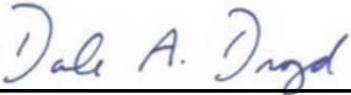
1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations entered on May 3, 2021, are adopted in full;
- 6 2. The motion for summary judgment filed by defendant Dr. Betz on October 27,
7 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 against defendant Dr. Betz;
- 10 4. Summary judgment is granted in favor of defendant Dr. Betz as to plaintiff's
11 *Bivens* claim brought against him;
- 12 5. This case now proceeds only against defendants David Bairamian and Kevin
13 Cuong Nguyen on plaintiff's Bivens claims for inadequate medical care and state
14 law claims for medical malpractice and medical battery;
- 15 6. The Clerk of Court is directed to reflect defendant Dr. Betz's dismissal from this
16 case on the court's docket; and
- 17 7. This case is referred back to the magistrate judge for further proceedings.

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19 IT IS SO ORDERED.

20 Dated: July 15, 2021

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23 UNITED STATES DISTRICT JUDGE
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