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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Paul Jorgenson,

Plaintiff,

v.

Richard B. Haak, M.D. et al.,

Defendant.

No. 1:17-cv-00817-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING CASE
AND DIRECTING THE CLERK OF COURT
TO ASSIGN A DISTRICT JUDGE AND
CLOSE CASE

(Doc. Nos. 117, 120)

Plaintiff Paul Jorgenson is a federal prisoner proceeding *pro se* and *in forma pauperis* in this case. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

This case now proceeds on plaintiff’s Second Amended Complaint (“SAC”), which was filed on July 12, 2018. (Doc. No. 19.) The case is proceeding on plaintiff’s state tort claims for medical negligence against defendants Haak, Randhawa, and Emanuel Medical Center, and his state tort claims for battery against defendants Haak and Emanuel Medical Center. (Doc. No. 21 at 2; Doc. No. 95 at 3; Doc. No. 104 at 2; Doc. No. 105 at 2.) Plaintiff originally asserted federal claims in this case, but those federal claims were dismissed on January 28, 2020 (Doc. Nos. 104, 105.)

1 On May 13, 2020, defendants Emanuel Medical Center (“EMC”) and Jaspal Randhawa
2 (“Randhawa”) moved “the Court for an Order to dismiss this matter by declining supplemental
3 jurisdiction over the remaining state law claims and Defendants under Rule 12b(1) [sic] and 28
4 U.S.C. § 1367(c).” (Doc. No. 117.) Neither plaintiff nor defendant Haak opposed or otherwise
5 responded to the motion.

6 On June 29, 2020, the assigned magistrate judge entered findings and recommendations,
7 recommending that defendants EMC and Randhawa’s motion to dismiss/request for the court to
8 decline supplemental jurisdiction be granted and that plaintiff’s remaining claims be dismissed
9 without prejudice to plaintiff bringing the claims in state court. (Doc. No. 120 at 4–5.)

10 The parties were provided an opportunity to file objections to the findings and
11 recommendations. The deadline to file objections has passed and no objections have been filed.

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

- 16 1. The findings and recommendations issued by the magistrate judge on June 29,
17 2020 (Doc. No. 120), are ADOPTED in full;
- 18 2. Defendants EMC and Randhawa’s motion to dismiss/request for the court to
19 decline supplemental jurisdiction is granted (Doc. No. 117);
- 20 3. The court declines to exercise supplemental jurisdiction over the remaining claims;
- 21 4. The remaining claims are dismissed without prejudice to plaintiff bringing the
22 claims in state court;
- 23 5. All other outstanding motions are denied without prejudice; and
- 24 6. The Clerk of Court is directed to assign a district judge to this case for the purpose
25 of closing the case and then to close this case.

26 IT IS SO ORDERED.

27 Dated: August 25, 2020

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UNITED STATES DISTRICT JUDGE

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