

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

10 PAUL JORGENSON,

11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA, et al.,

14 Defendants.
15

Case No. 1:17-cv-00817-LJO-EPG (PC)

AMENDED ORDER ADOPTING
FINDINGS AND RECOMMENDATIONS

(ECF Nos. 46 & 93)

16 Paul Jorgenson (“Plaintiff”) is a federal prisoner proceeding *pro se* and *in forma*
17 *pauperis* in this action. The matter was referred to a United States magistrate judge pursuant to
18 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. This case now proceeds on Plaintiff’s Second
19 Amended Complaint (“SAC”), which was filed on July 12, 2018. (ECF No. 19). This case is
20 proceeding on Plaintiff’s FTCA claim against the United States, his Eighth Amendment Bivens
21 claim against the four unknown correctional officers, his state tort claims for medical
22 negligence against Defendants Haak, Randhawa, and Emanuel Medical Center, and his state
23 tort claims for battery against Defendants Haak and Emanuel Medical Center. (ECF No. 21, p.
24 2; ECF No. 95, p. 3).

25 On January 17, 2019, defendant Haak filed a partial motion to dismiss. (ECF No. 46).
26 On February 7, 2019, Plaintiff filed his opposition to defendant Haak’s motion to dismiss.
27 (ECF No. 57). Defendant Haak filed his reply on February 12, 2019. (ECF No. 59).

28 On September 24, 2019, the assigned magistrate judge entered findings and

1 recommendations, recommending that defendant Haak's partial motion to dismiss be denied.
2 (ECF No. 93, p. 9).

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

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

10 Accordingly, THE COURT HEREBY ORDERS that:

- 11 1. The findings and recommendations issued by the magistrate judge on September 24,
12 2019, are ADOPTED in full; and
- 13 2. Defendant Haak's partial motion to dismiss is DENIED (the Court will address the
14 portion of the motion to dismiss that was converted to a motion for summary
15 judgment in a separate order).

16
17 IT IS SO ORDERED.

18 Dated: November 2, 2019

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