1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DENNIS CURTIS HISLE, No. 1:17-cv-01400-NONE-SAB (PC) 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING 13 v. DEFENDANT CONANAN'S MOTION FOR SUMMARY JUDGMENT 14 MARLYN CONANAN, et al., (Doc. Nos. 107, 121, 125, 126) 15 Defendants. 16 17 Plaintiff Dennis Curtis Hisle, appearing pro se and in forma pauperis, brought this civil rights action pursuant to 42 U.S.C. § 1983 based on an alleged violation of his Eighth 18 19 Amendment rights. Plaintiff claims that defendants—medical personnel at Pleasant Valley State 20 Prison and Mercy Hospital of Bakersfield—were deliberately indifferent in treating his broken 21 ribs and internal bleeding. (Doc. No. 114 at 2–4.) One of the defendants, Dr. Marylyn Conanan, 22 moved for summary judgment on the ground that plaintiff failed to exhaust the inmate grievance 23 procedures before filing this suit as is required. (Doc. No. 107.) On August 3, 2020, the assigned 24 magistrate judge found the inmate grievance plaintiff lodged regarding this instance of medical care to indisputably establish that he "did not include allegations that Defendant Conanan 25 26 falsified medical records, failed to provide Plaintiff with a lay in, and failed to urgently refer 27 Plaintiff to a pulmonologist," and, as a result, plaintiff failed to exhaust his administrative 28 remedies with respect to the asserted Eighth Amendment claim against defendant Conanan based 1

1 on those allegations. (Doc. No. 121 at 9.) Therefore, the magistrate judge recommended to 2 dismiss plaintiff's Eighth Amendment claim against defendant Conanan. (Id. at 12.) On 3 September 2, 2020, plaintiff objected to the findings and recommendations. (Doc. No. 126.) 4 Defendant responded thereto on September 21, 2020. (Doc. No. 129.) In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the 5 6 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the 7 court finds that the pending findings and recommendations are supported by the record and 8 proper analysis, and that plaintiff's objections fail to meaningfully address or contradict the 9 analysis set forth in the findings and recommendations. 10 Accordingly: 11 1. The findings and recommendations issued on August 3, 2020 (Doc. No. 121) are 12 ADOPTED in full; 13 2. Defendant Conanan's motion for summary judgment filed on March 2, 2020 (Doc. No. 14 107) is GRANTED; and 3. Plaintiff's claims against defendant Conanan for allegedly falsifying medical records, 15 16 failing to provide plaintiff with a lay in, and failing to urgently refer plaintiff to a 17 pulmonologist are DISMISSED without prejudice due to plaintiff's failure to exhaust his 18 administrative remedies with respect to those claims prior to filing suit as required. 19 IT IS SO ORDERED. 20 Dated: November 6, 2020 21 22 23 24 25 26

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