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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY WILLIAMS CORTINAS,  
Plaintiff,  
v.  
RAVIJOT GILL, JR., *et al.*,  
Defendants.

No. 1:18-cv-00515-NONE-HBK  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO GRANT  
DEFENDANTS' MOTION TO DISMISS  
(Doc. No. 52)

Plaintiff Larry Williams Cortinas, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. (Doc. No. 1.) This action proceeds on plaintiff's first amended complaint. (Doc. No. 17.)

On September 1, 2021, the assigned magistrate judge issued findings and recommendations that defendants' motion to dismiss be granted. (Doc. No. 52.) Specifically, the magistrate judge reasoned that most of the claims asserted by plaintiff in the complaint were barred by a settlement agreement reached in a previous case. (*Id.* at 6–8.) In addition, the magistrate judge explained that, although the present case does advance one claim (concerning treatment of plaintiff's cysts) that is not encompassed within and barred by the parties' prior settlement agreement, the remaining allegation fails to state a claim for deliberate indifference. (*Id.* at 10–11.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at

1 11.) On September 13, 2021, plaintiff filed objections to the findings and recommendations,  
2 arguing, *inter alia*, that the prior settlement agreement did not release the defendants in the instant  
3 case. (Doc. No. 54.)

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
5 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's  
6 objections, the court concludes that the magistrate judge's findings and recommendations are  
7 supported by the record and by proper analysis. The magistrate judge has correctly articulated the  
8 scope of the prior settlement agreement and correctly concluded that the only allegation not  
9 covered by that settlement agreement nonetheless fails to state a claim. In addition, the court  
10 agrees that further leave to amend is not warranted; the deliberate indifference standards were  
11 explained to plaintiff in the screening order (Doc. No. 14), but plaintiff's amended complaint  
12 again failed to state a claim for deliberate indifference with respect to the treatment of his cysts.

13 Accordingly,

- 14 1. The findings and recommendations issued on September 1, 2021, (Doc. No. 52), are  
15 adopted in full;
- 16 2. Defendants' motion to dismiss, (Doc. No. 28), is granted; and
- 17 3. The Clerk of the Court is directed to assign a district judge to this action for purposes of  
18 closing this case and to then close this case.

19 IT IS SO ORDERED.

20 Dated: September 21, 2021

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23 UNITED STATES DISTRICT JUDGE  
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