

1 “as true and correct copies of the documents as represented in each of the sworn declarations.”

2 (*Id.* at 3.)

3 The magistrate judge observed the evidence showed “[a] root canal of Plaintiff’s tooth #9
4 was unsuccessfully attempted in 2007 while he was incarcerated at Kern Valley State Prison, and
5 resulted in a separated instrument, an endodontic file, being retained in Plaintiff’s tooth.” (Doc.
6 64 at 10, citing Doc. 37 at 2-3, ¶¶ 4, 5, 7.) The magistrate judge also found treatment records
7 dated October 18, 2007 indicated that “Dr. Garcia of Kern Valley State Prison stated the canal
8 was calcified and the tip of an endodontic file was broken in Scott’s tooth.” (*Id.* at 11, citing
9 Doc. 37-3 at 3, ¶ 7.) Two months later, Dr. Garcia indicated that she “stored the endodontic
10 access and the “situation [was] explained to” Plaintiff.” (*Id.*) To the extent Plaintiff sought to
11 state a claim based upon the failed root canal, the magistrate judge found “Plaintiff’s claim as to
12 the broken file tip is time barred” under the applicable statute of limitations. (Doc. 64 at 14.)

13 The magistrate judge noted Defendants acknowledged the “dental issues constituted a
14 serious medical issue.” (Doc. 65 at 14, quoting Doc. 37 at 10.) However, the magistrate judge
15 found “Plaintiff does not meet the second prong of medical deliberate indifference—failure to
16 respond to a prisoner’s serious medical need—as to either Defendant.” (*Id.* at 15.) The
17 magistrate judge found Edwards and Young “did not fail to properly examine, counsel, or propose
18 reasonable treatment for Plaintiff’s dental needs.” (*Id.* at 17; *see also id.* at 15.) Rather, the
19 magistrate judge noted “the unrefuted opinions of multiple dentists is that the proposed extraction
20 of tooth #9”—which Young recommended and Plaintiff declined—“was medically appropriate to
21 prevent further infection of Plaintiff’s gums and avoid other serious consequences.” (*Id.*)

22 To the extent Plaintiff premised his claim upon “failure to refer him to an outside medical
23 provider,” the magistrate judge found this also fails, because “[a] prison inmate has no
24 independent constitutional right to outside medical care beyond that provided by the prison
25 staff.” (Doc. 65 at 16.) The magistrate judge explained:

26 Only if the prison’s medical staff is not competent to examine,
27 diagnose, and treat an inmate’s medical problems must they “refer
28 [the inmate] to others who can.” *Stocker v. Nevada*, 2024 WL
4112299, at *8 (D. Nev. Aug. 12, 2024) (internal citations omitted).
Here, the undisputed facts show that Defendants Young and Edwards

1 were both competent to diagnose and treat Plaintiff’s apical infection,
2 thus Plaintiff had no constitutional right to be referred to an outside
 medical specialist.

3 (*Id.*, modification in original.) Further, the magistrate judge found that “Plaintiff’s allegations
4 amount at most to a difference of medical opinion.” (*Id.* at 15; *see also id.* at 15-17.) The
5 magistrate judge found: “Ultimately, the undisputed facts establish that Plaintiff’s refusal to
6 accept reasonable medical treatment, rather than any deliberate indifference..., was the proximate
7 cause of Plaintiff’s injury.” (*Id.* at 16.)

8 Finally, the magistrate judge found “the Court need not address the issue of qualified
9 immunity,” because Plaintiff did not show either Defendant violated his constitutional rights.
10 (Doc. 64 at 18.) Nevertheless, assuming Plaintiff established a constitutional violation, the
11 magistrate judge found “Plaintiff has not shown the existence of binding authority or a robust
12 consensus of persuasive authority holding that a dentist in a correctional setting is required to
13 refer a Plaintiff for outside medical care when reasonable care is available within the institution.”
14 (*Id.*) Therefore, the magistrate judge found “under the undisputed facts in this case Defendants
15 are entitled to qualified immunity on Plaintiff’s claim that he should have been referred to an
16 outside dental specialist.” (*Id.* at 19.) The magistrate judge recommended the Court grant
17 Defendants’ motion for summary judgment, deny Plaintiff’s motion, and enter judgment in favor
18 of Defendants. (*Id.* at 19.)

19 Plaintiff filed timely objections to the Findings and Recommendations. (Doc. 69.)
20 However, Plaintiff’s objections do not meaningfully respond to the specific findings of the
21 magistrate judge. Plaintiff simply reiterates his belief that Defendants violated his constitutional
22 rights by “depriving him access to treatment,” without acknowledging the undisputed medical
23 records showing the treatment offered, recommendations Defendants made, and Plaintiff’s own
24 refusals. (*See id.* at 5-6.) Although Plaintiff maintains he had a right to outside treatment (*id.* at
25 6), this also is contrary to well-established law. *See Roberts v. Spalding*, 783 F.2d 867, 870 (9th
26 Cir. 1986); *see also Amarir v. Hill*, 243 Fed. Appx. 353, 354 (9th Cir. 2007) (finding a
27 physician’s denial of the plaintiff’s “request to see an outside specialist... did not amount to
28 deliberate indifference” because “[a] prison inmate has no independent constitutional right to

1 outside medical care supplemental or additional to the medical care provided by the prison staff
2 within the institution”). Finally, to the extent Plaintiff maintains Defendants are not entitled to
3 qualified immunity (*see id.* 5-6, 8-9), the Court need not address the issue because Plaintiff did
4 not show a violation of his constitutional rights. *See Saycuier v. Katz*, 533 U.S. 194, 201 (2001)
5 (if a constitutional right is not established, “there is no necessity for further inquiries concerning
6 qualified immunity”); *Fouts v. County of Clark*, 76 Fed. Appx. 825 (9th Cir. 2003 (the court
7 “need not reach the issue whether the individual defendants are entitled to qualified immunity
8 because there has been no violation of a constitutional right”).

9 According to 28 U.S.C. § 636(b)(1)(C), the Court performed a *de novo* review of this
10 case. Having carefully reviewed the entire file, including Plaintiff’s objections, the Court finds
11 the Findings and Recommendation to be supported by the record and by proper analysis. Thus,
12 the Court **ORDERS**:

- 13 1. The Findings and Recommendations dated November 20, 2024 (Doc. 64), are
14 **ADOPTED** in full.
- 15 2. Defendants’ motion for summary judgment (Doc. 37) is **GRANTED**.
- 16 3. Plaintiff’s motion for summary judgment (Doc. 46) is **DENIED**.
- 17 4. The Clerk of Court is directed to enter judgment in favor of Defendants Young and
18 Edwards, and against Plaintiff Andre Renee Scott, and to close this case.

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20 IT IS SO ORDERED.

21 Dated: March 10, 2025

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UNITED STATES DISTRICT JUDGE