



1 entire file, the court finds the findings and recommendations to be supported by the record and by  
2 proper analysis. Plaintiff contends his medical claims are part of a continuing violation, and  
3 should be subjected to the continuing violation doctrine. However, the continuing violation  
4 doctrine relates to a statute of limitations issue not exhaustion. Plaintiff also contend that his  
5 wrist injury is related to his ankle injury, and therefore no separate grievance was required. He  
6 argues that due to his ankle injury he should not have been housed in an upper bunk, and it was  
7 because he was housed in an upper bunk that he fell, injuring his wrist. In addition, he claims his  
8 wrist injury was raised in inmate grievance simply by complaining about “continuing medical  
9 treatment and care.”

10 Vague complaints about medical treatment is insufficient to put prison authorities  
11 on notice as to what his specific grievance is about. As the magistrate judge found, Plaintiff’s one  
12 exhausted grievance specifically identifies his ankle injury as the source of his complaint. The  
13 Magistrate Judge’s analysis of this grievance is accurate, and it was insufficient to raise any claim  
14 regarding the medical treatment, or lack thereof, as to Plaintiff’s alleged wrist condition. As to  
15 the relationship between his ankle and wrist injuries, to the extent the lack of treatment to  
16 Plaintiff’s ankle condition resulted in an injury to his wrist, the additional injury may be raised as  
17 a damages component to his ankle claim. However, as a separate and independent basis for  
18 liability, Plaintiff was required to submit a separate inmate grievance related to that injury. He did  
19 not do so, and that claim is therefore unexhausted.


20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. The findings and recommendations filed March 4, 2010, are adopted in full;
- 22 2. Defendants’ motion to dismiss (Doc. 30) is granted;
- 23 3. Defendants Williams and Smith are dismissed from this action for failure to  
24 state a claim;
- 25 4. Plaintiff’s claims are limited to those regarding his ankle which arose  
26 between November 11, 2005, and March 2008;

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- 5. The dismissal of defendant Todd is confirmed;
- 6. This action shall proceed against defendants Hashimoto and Ziomek only;
- 7. Defendants' motion to dismiss the original complaint (Doc. 22) is denied as moot; and
- 8. This matter is referred back to the magistrate judge for further proceedings.

DATED: September 16, 2010.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT