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5	IN THE UNITED STATES DISTRICT COURT		
6	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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8	STEVE MARTINEZ, No. CIV S-08-674-LKK-CMK-P		
9	Plaintiff,		
10	vs. <u>ORDER</u>		
11	JOHN ZIOMEK, et al.,		
12	Defendants.		
13	/		
14	Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant		
15	to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to		
16	Eastern District of California local rules.		
17	On March 4, 2010, the Magistrate Judge filed findings and recommendations		
18	herein which were served on the parties and which contained notice that the parties may file		
19	objections within a specified time. No objections to the findings and recommendations were filed		
20	within the time provided. Plaintiff did file a request for additional time, which was denied. The		
21	court then issued an order adopting the findings and recommendations on March 31, 2010.		
22	Plaintiff filed a motion for reconsideration, which was granted and the order adopting the finding		
23	and recommendations was vacated. Plaintiff's objections to the findings and recommendations		
24	have now been filed, as well as defendants' response and plaintiff's reply.		
25	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule		
26	304(f), this court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the		
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entire file, the court finds the findings and recommendations to be supported by the record and by 1 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 doctrine relates to a statute of limitations issue not exhaustion. Plaintiff also contend that his 4 5 wrist injury is related to his ankle injury, and therefore no separate grievance was required. He argues that due to his ankle injury he should not have been housed in an upper bunk, and it was 6 7 because he was housed in an upper bunk that he fell, injuring his wrist. In addition, he claims his wrist injury was raised in inmate grievance simply by complaining about "continuing medical 8 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 exhausted grievance specifically identifies his ankle injury as the source of his complaint. The 12 13 Magistrate Judge's analysis of this grievance is accurate, and it was insufficient to raise any claim regarding the medical treatment, or lack thereof, as to Plaintiff's alleged wrist condition. As to 14 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.

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Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed March 4, 2010, are adopted in full;

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;

4. Plaintiff's claims are limited to those regarding his ankle which arose
between November 11, 2005, and March 2008;

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1	5.	The dismissal of defendant Todd is confirmed;
2	6.	This action shall proceed against defendants Hashimoto and Ziomek only;
3	7.	Defendants' motion to dismiss the original complaint (Doc. 22) is denied as
4	moot; and	
5	8.	This matter is referred back to the magistrate judge for further proceedings.
6	DATED: Se	eptember 16, 2010.
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8		Land KKarlt
9		LAWRENCE K. KARLTON
10		SENIOR JUDGE UNITED STATES DISTRICT COURT
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