UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICKIE L. CHIPMAN,

Plaintiff,

v.

MARCIA F. NELSON, M.D., et al.,

Defendants.

No. 2:11-cv-2770-TLN-EFB PS

ORDER

On September 15, 2016, the magistrate judge filed findings and recommendations herein, which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff filed objections on September 29, 2016.

This Court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the Court assumes its correctness and decides the motions on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

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The Court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly, IT IS ORDERED that:

1. The findings and recommendations filed September 15, 2016, are adopted;

2. Defendant Merrifield's motions to dismiss (ECF Nos. 419, 452) are granted and all claims against her are dismissed without leave to amend;

3. Defendant Matthews's motion to dismiss Plaintiff's wrongful death claim (ECF No. 412) is denied;

4. Defendants Enloe Medical Center ("EMC"), Boggs, and Nelson's motion for judgment on the pleadings (ECF No. 404) is granted in part and denied in part as follows:

   a. The motion is granted as to all claims against Nelson and Boggs; and

   b. The motion is granted as to all claims against EMC, except Plaintiff's wrongful death claim based on Defendant Matthews's conduct; and

5. Defendants Stansell and Potter's motions for entry of judgment (ECF Nos. 448, 450) are denied.

Dated: October 6, 2016

Troy L. Nunley
United States District Judge