

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed December 6, 2018 (ECF No. 171), are
3 adopted in full; and

4 2. Defendants' motions for summary judgment are granted in part, and denied in part, as
5 follows:

6 A. Eighth Amendment Claims

7 1. Defendants are granted summary judgment on Plaintiff's claims that Defendants
8 interfered or delayed a DVI doctor's alleged recommendation that Plaintiff receive a CT scan;

9 2. Defendants are granted summary judgment on Plaintiff's claim that they failed to
10 diagnose Plaintiff's brain tumor;

11 3. Defendants Moreno, Dr. Galloway and Todd are granted summary judgment based on
12 claims arising before November of 2006;

13 4. Defendant Dr. Galloway's motion for summary judgment (ECF No. 104, 119) is
14 granted;

15 5. Defendant Dr. Naseer's motion for summary judgment (ECF No. 105, 120) is granted;

16 6. Defendant Dr. Tseng's motion for summary judgment (ECF No. 103, 122) is granted;

17 7. Defendant Dr. Barnett's motion for summary judgment (ECF No. 107, 118) is granted;

18 8. Defendant Dr. Smith's motion for summary judgment (ECF No. 106, 121) is granted;

19 9. The remaining Defendants' motion for summary judgment (ECF No. 117) is granted in
20 part and denied in part, as follows:

21 A. Defendant Moreno's motion for summary judgment is granted;

22 B. Defendant Dr. Nale's motion for summary judgment is denied;

23 C. Defendant Villanueva's motion for summary judgment is granted;

24 D. Defendant Kettelhake's motion for summary judgment is denied;

25 E. Defendant Todd is granted summary judgment on all claims except Plaintiff's
26 claims arising from the December 5, 2011, medical visit;

27 F. Defendant Akintola's motion for summary judgment is denied as to care
28 provided in 2013, and granted in all other respects; and

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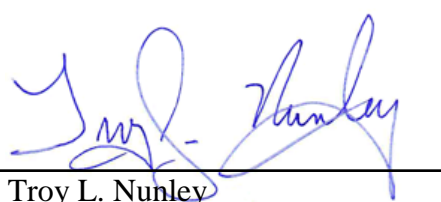
G. Defendant Dr. Heatley's motion for summary judgment is granted on all claims.

10. Defendants are granted summary judgment on Plaintiff's allegations that any Defendant is liable under a claim of supervisory liability.

B. State Law Claims

Plaintiff's medical malpractice claims against all Defendants are dismissed as barred by the statute of limitations.

Dated: February 26, 2019



Troy L. Nunley
United States District Judge