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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL E. GONZALEZ,
Plaintiff,
v.
UNITED STATES OF AMERICA, et al.,
Defendants.

No. 2:15-cv-1997 MCE DB PS

ORDER

Plaintiff is proceeding pro se with the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On November 18, 2016, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days after service of the findings and recommendations. Plaintiff has filed objection to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed November 18, 2016 (ECF No. 11) are adopted in full;

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1 2. The court declines to exercise supplemental jurisdiction¹ over the amended complaint's
2 state law² causes of action; and

3 3. The amended complaint's state law causes of action are dismissed without prejudice.

4 IT IS SO ORDERED.

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6 Dated: January 5, 2017

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8 MORRISON C. ENGLAND, JR.
9 UNITED STATES DISTRICT JUDGE
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20 _____
21 ¹ According to the operative First Amended Complaint, Plaintiff alleges the claims against
22 the non-governmental parties, Defendants Pugh and CSAA, belong in this lawsuit as pendent and
23 ancillary claims as to which the Court can exercise its supplemental jurisdiction under 28 U.S.C.
24 § 1367 since those claims share the same “common nucleus of operative fact” as the claim against
25 the United States. Here, however, as the magistrate judge correctly points out, the claims against
26 Pugh and CSAA involve different defendants, different evidence and different witnesses than the
27 medical malpractice claim levied against the government. CSAA and Pugh played no role in the
28 medical care the United States provided to plaintiff, and consequently any claims against them
cannot be pursued in Plaintiff's lawsuit against the United States.

² Plaintiff cannot successfully argue that she has identified a federal claim grounded on
diversity of citizenship since, even if Defendant Pugh is a Hawaii resident, the face of Plaintiff's
First Amended Complaint shows that Defendant CSAA is a California corporation whose
presence in this lawsuit destroys the complete diversity needed to allege diversity jurisdiction.