


1 professional negligence claims under California Penal Code § 340.5 only apply to health care
2 providers rendering professional services. Cal. Penal Code § 340.5(1), (2). Plaintiff's allegations
3 that defendants falsely claimed plaintiff agreed to fight with inmate Croy do not transform
4 plaintiff's claim into a professional negligence cause of action. Moreover, allegations of
5 negligence do not suffice to state a constitutional claim. See Farmer v. Brennan, 511 U.S. 825,
6 835 (1994) (holding that "deliberate indifference entails something more than mere negligence").

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
8 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
9 court finds the findings and recommendations to be supported by the record and by proper
10 analysis.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The findings and recommendations filed August 25, 2020, are adopted;
- 13 2. Supplemental jurisdiction over plaintiff's putative state law claims is declined;
- 14 3. Plaintiff's federal claims are dismissed, with prejudice, as barred by the statute of
15 limitations; and
- 16 4. The Clerk is directed to close the file in this action.

17 Dated: December 18, 2020

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19 WILLIAM B. SHUBB
20 UNITED STATES DISTRICT JUDGE

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27 failure to protect claims, the Court declines to exercise supplemental jurisdiction in light of the
28 dismissal of plaintiff's federal claims. See 28 U.S.C. § 1367(a).