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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORLONZO HEDRINGTON,  
Plaintiff,

v.

UNITED STATES OF AMERICA,  
COUNTY OF SOLANO, FAIRFIELD  
POLICE DEPARTMENT, MICHAEL  
ARIMBOANGA, DAVID GRANT  
MEDICAL CENTER,  
Defendants.

No. 2:21-cv-0414 KJM DB PS

ORDER

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

On September 13, 2021, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within thirty days after service of the findings and recommendations. Plaintiff objected to the findings and recommendations, ECF Nos. 36, 38, and the United States responded, ECF No. 37.

The court has reviewed the file de novo. The Magistrate Judge correctly determined that this court has no subject matter jurisdiction over claims against the David Grant Medical Center and that the claims against the United States and its officers and employees are time-barred under

1 the Federal Tort Claims Act. *See* F&Rs at 7–8 & n.2. Summary judgment is granted to those  
2 defendants. The court also agrees with and adopts the Magistrate Judge’s recommendation to  
3 remand this action to state court. *See id.* at 8–9. The remaining parties are not diverse, and  
4 plaintiff asserts no claims arising under federal law. *See generally* Compl., Notice of Removal  
5 Ex. A, ECF No. 1-1. This case has not progressed beyond the beginning stages. Remand is  
6 appropriate in these circumstances. *See Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7  
7 (1988); *Macri v. King Cty.*, 126 F.3d 1125, 1129 (9th Cir. 1997), *abrogated on other grounds as*  
8 *explained in Action Apartment Ass’n, Inc. v. Santa Monica Rent Control Bd.*, 509 F.3d 1020,  
9 1025 (9th Cir. 2007).

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations filed September 13, 2021 (ECF No. 35) are  
12 adopted in full;
- 13 2. The March 15, 2021 motion for summary judgment filed by defendant David Grant  
14 Medical Center and Defendant United States of America (ECF No. 5) is granted;
- 15 3. Defendant David Grant Medical Center is dismissed without prejudice due to lack of  
16 jurisdiction;
- 17 4. Judgment is entered as to defendant United States of America;
- 18 5. The court declines to exercise supplemental jurisdiction; and
- 19 6. This action is remanded to the Solano County Superior Court.

20 DATED: December 13, 2021.

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23 CHIEF UNITED STATES DISTRICT JUDGE  
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