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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JOSEPH ANTHONY HILL,

12 Plaintiff,

13 vs.

14 SAN DIEGO SHERIFF'S DEPARTMENT,
15 MEDICAL SERVICES DIVISION; UCSD
16 MEDICAL CENTER; ALFRED JOSHUA,
17 M.D., Chief Medical Officer, Sheriff's
Detention Services Bureau; WILLIAM
GORE, Sheriff San Diego County,

18 Defendants.
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CASE NO. 15cv275-LAB (NLS)

**ORDER ADOPTING REPORT AND
RECOMMENDATION (DOCKET NO.
12) FOR ORDER GRANTING THE
MOTIONS TO DISMISS FILED BY
WILLIAM D. GORE (DOCKET NO. 6)
AND THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA
(DOCKET NO. 9)**

20 Plaintiff Joseph Anthony Hill brought this civil rights action under 42 U.S.C. § 1983
21 claiming that Defendants violated his constitutional rights by failing to provide continuing
22 medical care. (Docket no. 1.) Defendant William D. Gore filed a motion to dismiss. (Docket
23 no. 6.) The Regents of the University of California ("UCSD"), which Hill erroneously sued as
24 UCSD Medical Center, also filed a motion to dismiss. (Docket no. 9.) Magistrate Judge
25 Stormes issued a report and recommendation (the "R&R") on the motions to dismiss,
26 recommending that the Court:

- 27 (1) **GRANT** the motion to dismiss Hill's claims against Sheriff Gore in his
28 personal capacity with leave to amend.

- 1 (2) **GRANT** the motion to dismiss Hill's claims against Sheriff Gore in his
2 official capacity without leave to amend as to Gore but with leave to
3 amend as to the County itself, if Hill seeks to assert a Monell claim.
- 4 (3) **SUA SPONTE DISMISS** defendant "San Diego Sheriff's Department
5 Medical Services Division" without leave to amend.
- 6 (4) **GRANT** the motion to dismiss Hill's claims against UCSD for failure to
7 provide follow-up medical care with leave to amend.
- 8 (5) **GRANT** the motion to dismiss Hill's claims against UCSD for failure to
9 provide adequate medical care without leave to amend.

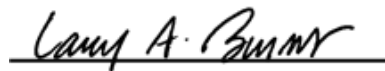
10 (Docket no. 12 at 14-15.)

11 Objections to the R&R were due on June 26, 2015. Hill didn't file an objection. "The
12 district judge must determine de novo any part of the magistrate judge's disposition that has
13 been properly objected to." Fed. R. Civ. P. 72(b). "A judge of the court may accept, reject,
14 or modify, in whole or in part, the findings or recommendations made by the magistrate
15 judge." 28 U.S.C. § 636(b)(1). The "statute makes it clear that the district judge must review
16 the magistrate judge's findings and recommendations de novo *if objection is made*, but not
17 otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

18 The Court has nonetheless reviewed the R&R and agrees with its rationale and
19 conclusions. The R&R is **ADOPTED**.

20 **IT IS SO ORDERED.**

21 DATED: July 9, 2015

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23 **HONORABLE LARRY ALAN BURNS**
24 United States District Judge
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