

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

## JOSEPH ANTHONY HILL,

**Plaintiff,**

vs.

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

## Defendants.

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)**

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

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

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

(Docket no. 12 at 14-15.)

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

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

**IT IS SO ORDERED.**

19 || DATED: July 9, 2015

Larry A. Bunn

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