

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

JIMMY C. MOORE,

Plaintiff,

v.

CORIZON HEALTH SERVICES, IDAHO
DEPARTMENT OF CORRECTIONS,
MURRAY YOUNG AND JOHN
MIGLIORI

Defendants.

Case No. 1:16-CV-229-BLW

**MEMORANDUM DECISION
AND ORDER**

INTRODUCTION

The Court has before it a motion to reconsider. The motion is fully briefed and at issue. For the reasons expressed below, the Court will deny the motion.

ANALYSIS

Plaintiff Moore brings this action against the Idaho Department of Correction, Corizon Health Services (the prison medical contractor), Dr. Murray Young (Corizon's regional medical director), Dr. John Migilori, and Grant Roberts. Moore alleges that defendants violated his civil rights under the Eighth and Fourteenth Amendments by providing him with constitutionally inadequate medical care, amounting to cruel and unusual punishment, and by denying him equal protection of the law. He seeks several million dollars in damages and injunctive relief in the form of proper treatment.

Based on these factual allegations, Moore originally alleged both federal civil rights claims under 42 U.S.C. § 1983 and state law claims.

In an Initial Review Order, the Court dismissed all the state law claims but gave Moore the opportunity to amend his complaint to plead them with specificity. *See Initial Review Order (Dkt. No. 10)*. He never did so. The Court entered a Scheduling Order setting a deadline for the completion of discovery and the filing of dispositive motions. *See Scheduling Order (Dkt. No. 20)*.

Moore filed a motion to stay the case on the ground that he was involved in other litigation that was taking all his time. On February 7, 2017, the Court denied that motion. *See Order (Dkt. No. 24)*. About three weeks later, Moore filed a motion to reconsider, arguing for the first time that he had filed a Prelitigation Application Claim with the State of Idaho Board of Medicine, requesting a Prelitigation Screening Panel as a precondition to pursuing claims of medical malpractice. Moore now argues that his filing requires staying this litigation until the Idaho Board of Medicine has resolved his claim. The Court disagrees. The Court earlier dismissed all State law claims, and although Moore was given the opportunity to amend his complaint, he did not take advantage of that opportunity. Thus, the motion to reconsider must be denied.

ORDER

In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion to reconsider (docket no. 27) is DENIED.



DATED: July 2, 2018

B. Lynn Winmill

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Chief U.S. District Court Judge