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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

2:14-cv-02188-JAD-CWH

Tracy Meadows, as representative of the Estate of  
D'Andre Berghardt, Jr.,

Plaintiff,

v.

The United States Department of the Interior Bureau  
of Land Management; Brian Loftin; and Meagen  
Martin,

Defendants.

**Order**  
[#17]

12 Tracy Meadows brings this action against the U.S. Department of the Interior Bureau of Land  
13 Management and BLM officers Meagen Martin and Brian Loftin for the death of Meadows's son,  
14 D'Andre Berghardt, Jr., near Red Rock Canyon in 2014.<sup>1</sup> She pleads *Bivens* claims against Martin  
15 and Loftin for excessive force and deprivation of medical care, and asserts a separate claim against  
16 the BLM under the Federal Tort Claims Act.<sup>2</sup> On April 28, 2015, Loftin and Martin moved to  
17 dismiss Meadows's deprivation-of-medical-care claim based on qualified immunity.<sup>3</sup> Meadows has  
18 affirmatively represented that she consents to the dismissal.<sup>4</sup>

19 Good cause appearing, IT IS HEREBY ORDERED that Martin and Loftin's Motion to  
20 Dismiss [Doc. 17] is **GRANTED**. **Plaintiff's claim for deprivation of medical care (count 2) is**  
21 **DISMISSED**.

22 Dated this 27th day of May, 2015.

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Jennifer A. Dorsey  
United States District Judge

26 <sup>1</sup> Doc. 8.

27 <sup>2</sup> *Id.*

28 <sup>3</sup> Doc. 17.

<sup>4</sup> Doc. 22.