

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 JESSE ARON ROSS,

5 Plaintiff,

6 v.

7 BRIAN SANDOVAL et al.,

8 Defendants.

Case No. 2:17-cv-02386-APG-GWF

**ORDER ACCEPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATION ON MOTION
FOR PRELIMINARY INJUNCTION**

(ECF Nos. 8, 35)

9
10 Plaintiff Jesse Ross, who is a prisoner in the custody of the Nevada Department of
11 Corrections (NDOC), filed a motion for a preliminary injunction directing the defendant to provide
12 him with necessary dental treatment. ECF No. 8. After conducting an evidentiary hearing,
13 Magistrate Judge Foley entered his Findings and Recommendation recommending that the motion
14 be granted in part. ECF No. 35. Mr. Ross filed a limited objection to the Findings and
15 Recommendation (ECF No. 39) and the Government filed a response (ECF No. 40). Pursuant to
16 Local Rule IB 3-2(b), I have conducted a *de novo* review of the portions of Judge Foley's Findings
17 and Recommendation to which Ross objected. Judge Foley's Findings and Recommendation sets
18 forth the proper legal analysis and factual basis for the decisions, and I adopt it as my own.
19 Subsequent to the entry of that recommendation, the parties filed updated status reports. ECF Nos.
20 36, 38, 41. Based on those reports, it appears that most of Judge Foley's recommendations have
21 been satisfied, as follows:

22 Ross was treated by Dr. Sanders on March 12, 2018. ECF No. 38 at 2. On April 9, 2018,
23 Dr. Sanders again treated Ross. ECF No. 41-1. This time, she performed a dental examination
24 took x-rays, diagnosed his dental condition, and provided prompt and timely treatment for
25 conditions that were causing, or are likely to cause in the near future, severe pain and deterioration
26 of Ross's teeth or gums. *Id.*

27 Dr. Sanders's Declaration states that none of Ross's three remaining teeth that exhibit
28 decay, and none of the dental conditions he is experiencing, are causing severe pain or are likely

1 to cause severe pain in the near future. *Id.* at ¶¶ 6, 10. Further, Ross does not need a partial denture
2 to prevent gum deterioration or any other serious dental condition. *Id.* Ross is on the waiting list
3 for additional treatment and he will receive future dental treatment in accordance with
4 constitutional norms. I expressly adopt Judge Foley’s recommendation that if it is determined that
5 Ross is experiencing severe pain from more than one tooth or dental condition, treatment of those
6 conditions may not be deferred for weeks or months based on a policy or practice that limits the
7 provision of treatment to “one tooth at a time,” or “one quadrant at a time.” Instead, reasonably
8 available dental treatment should be expeditiously provided to alleviate Ross’s severe pain.

9 IT IS HEREBY ORDERED that Magistrate Judge Foley’s Findings and Recommendation
10 **(ECF No. 35) is accepted.** Mr. Ross’s motion for injunction **(ECF No. 8) is partly granted** as
11 set forth in Magistrate Judge Foley’s Findings and Recommendation and above.

12 DATED THIS 25th day of April 2018.

13 

14 _____
UNITED STATES DISTRICT JUDGE