

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DARREN A. LUNFORD,)	3:08-CV-00233-ECR-RAM
)	
Plaintiff,)	MINUTES OF THE COURT
)	
vs.)	DATE: March 12, 2009
)	
BRUCE BANNISTER, CHUCK SCARDIN,)	
D.W. NEVEN, GARY GRAHAM, and)	
DR. WULFF,)	
)	
Defendants.)	
_____)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On February 10, 2009, the Magistrate Judge entered a Report and Recommendation (#20), recommending that the Defendants' Motion for Summary Judgment (#13) be denied in part on Counts 1 and 2 of the complaint and granted in part as to the claims asserted against Defendants Bannister, Scardin, and Neven in their official capacities for money damages. The Report and Recommendation (#20) also recommended denying both Plaintiff's Motion for Summary Judgment (#12) and Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (#10).

Objections were filed by both Plaintiff (#26) and Defendants (#22). Plaintiff also filed a Declaration (#24).

Plaintiff objects (#26) to the Report and Recommendation (#20) with respect to his ear ailment on the basis that he was denied medical treatment for an unacceptably long period of time. Defendants object (#22) to the Report and Recommendation on the basis that Plaintiff ultimately received adequate care. The Magistrate Judge concluded that whether Plaintiff's medical condition subsided during the period of delay raised a genuine issue of material fact as to whether the prison officials were deliberately indifferent to a serious medical need. We agree. Plaintiff

