

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL RHYMES,

Plaintiff,

vs.

NEVADA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

Case No.: 3:15-CV-00592-RCJ-CBC

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Carla B. Carry (ECF No. 89¹) entered on January 28, 2019, recommending that the Court grant and deny in part Defendants' Motion for Summary Judgment (ECF No. 67). No objection to the Report and Recommendation has been filed.

This action was referred to Magistrate Judge Carry under 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (ECF No. 89) entered on January 28, 2019, should be adopted and accepted.

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¹ Refers to Court's docket number.

1 IT IS ORDERED that the Magistrate Judge's Report and Recommendation (ECF
2 No. 89) entered on January 28, 2019, is ADOPTED and ACCEPTED.

3 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment
4 (ECF no. 67) is GRANTED IN PART AND DENIED IN PART;
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6 IT IS FURTHER ORDERED that the deliberate indifference claims against
7 Defendants, Neven and Sablica, of the Second Amended Complaint be allowed to
8 PROCEED;

9 IT IS FURTHER ORDERED that the supervisory liability claim regarding the
10 enforcement of NDOC regulations against Defendant Neven, of the Second Amended
11 Complaint be DISMISSED; and
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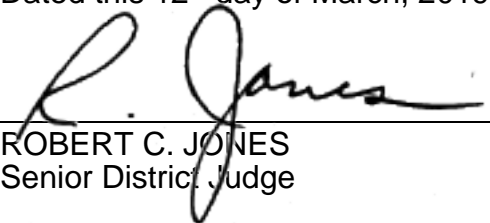
13 IT IS FURTHER ORDERED that the official capacity claims against Defendants
14 Neven and Sablica, of the Second Amended Complaint are DISMISSED.
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16 IT IS FURTHER ORDERED that qualified immunity is DENIED.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
18 accordingly.

19 IT IS SO ORDERED.
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21 Dated this 12th day of March, 2019.

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23 _____
24 ROBERT C. JONES
25 Senior District Judge
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