

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3  
4 VINCENT CORDOVA, SR.,

3:16-cv-00335-MMD-VPC

5 Plaintiff,

6 v.

**REPORT AND RECOMMENDATION**  
**OF U.S. MAGISTRATE JUDGE**

7  
8 ABIGAIL BIGGAR, *et al.*,

9 Defendants.

10  
11 This Report and Recommendation is made to the Honorable Miranda M. Du, United States  
12 District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.  
13 § 636(b)(1)(B) and LR IB 1-4. Before the court is defendants Abigail Biggar (“Biggar”), Ken  
14 Codman (“Codman”), and Paul Lorrington’s (“Lorrington”) (collectively “defendants”) motion to dismiss  
15 (ECF No. 15). Vincent Cordova, Sr. (“plaintiff”) opposed (ECF No. 20) and defendants replied  
16 (ECF No. 21). Having reviewed the arguments set forth, the court recommends that the motion to  
17 dismiss be granted.

18 **I. PROCEDURAL HISTORY**

19 Plaintiff is an inmate currently in the custody of the Nevada Department of Corrections and  
20 is housed at Ely State Prison in Ely, Nevada. The events that give rise to this action, however,  
21 transpired at St. Mary’s Hospital in Reno, Nevada, while plaintiff was in the custody of the Washoe  
22 County Sheriff’s Department (“WCSD”) as a pretrial detainee. Pursuant to 42 U.S.C. § 1983,  
23 plaintiff brings a civil rights claim against WCSD, Biggar, Codman, and Lorrington.

24 Plaintiff’s complaint contains two counts of excessive force in violation of the 14th  
25 Amendment against Biggar (Count I), Codman, (Count II), and Lorrington (Count II). (ECF No. 8.)  
26 Both counts relate to plaintiff’s attempted escape from St. Mary’s Hospital on October 20, 2013,  
27 where plaintiff alleges the defendants used excessive force to re-apprehend him. (*Id.*)  
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