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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TODD EVANS,

Plaintiff,

vs.

JAMES DZURENDA, *et al.*,
Defendants.

Case No.: 3:18-CV-00283-RCJ-CSD

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE
(ECF NO. 142)

Before the Court is the Report and Recommendation of United States Magistrate Judge (ECF No. 142¹) entered on April 21, 2023, recommending that the Court grant in part and deny in part Defendants' motion for summary judgment (ECF No. 122), follows:

- (1) The motion should be granted as to the Eighth Amendment claim regarding HCV;
- (2) With respect to his pituitary tumor, the motion should be granted insofar as Plaintiff's Eighth Amendment claim is premised on conduct by defendants Dr.

¹ Refers to Court's docket number.

1 Mar and Dr. Johns *after* Plaintiff's cervical MRI in May of 2018; however, the
2 motion should be denied insofar as Plaintiff alleges there was an Eighth
3 Amendment violation by Dr. Mar and Dr. Johns related to delay in getting the
4 cervical spine MRI that led to the diagnosis of pituitary tumor.

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6 Plaintiff filed his objections to Magistrate Judge's Report and Recommendation
7 (ECF No. 143) on May 3, 2023, Defendants filed a response to Plaintiff's objections
8 (ECF No. 144) on May 9, 2023.

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10 This action was referred to Magistrate Judge Denny under 28 U.S.C. §
11 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District
12 Court for the District of Nevada.

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14 The Court has conducted its *de novo* review in this case, has fully considered the
15 pleadings and memoranda of the parties including the objections to the Report and
16 Recommendation and other relevant matters of record pursuant to 28 U.S.C. §
17 636(b)(1)(B) and Local Rule IB 3-2.

18 **IT IS HEREBY ORDERED** that United States Magistrate Judge Denny's Report
19 and Recommendation (ECF No. 142) shall be **ADOPTED and ACCEPTED**.

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21 **IT IS FURTHER ORDERED** that Defendants' motion for summary judgment
22 (ECF No. 122) is **GRANTED IN PART AND DENIED IN PART**, as follows:

23 (1) The motion is **GRANTED** as to the Eighth Amendment claim regarding HCV;

24 (2) With respect to his pituitary tumor, the motion is **GRANTED** insofar as

25 Plaintiff's Eighth Amendment claim is premised on conduct by defendants Dr.


26 Mar and Dr. Johns *after* Plaintiff's cervical MRI in May of 2018; however, the

27 motion is **DENIED** insofar as Plaintiff alleges there was an Eighth Amendment
28

1 violation by Dr. Mar and Dr. Johns related to delay in getting the cervical
2 spine MRI that led to the diagnosis of pituitary tumor.

3 **IT IS SO ORDERED.**

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6 DATED this 22nd day of May 2023.

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12 ROBERT C. JONES
13 Senior United States District Judge
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