

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAMON HERNANDEZ,

Plaintiff,

vs.

No. CIV 15-0205 JB/GJF

HEALTH CARE PROVIDERS; MARIAM
BORNACI; MIKE CARRILLO and
ROBERT ZAMARRIPA,

Defendants.

MEMORANDUM OPINION AND ORDER DENYING MOTION FOR EXTENSION

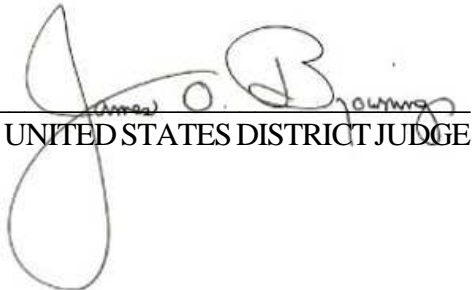
THIS MATTER comes before the Court on Plaintiff Ramon Hernandez' Letter to the Court (dated September 17, 2016), filed September 22, 2016 (Doc. 29)(“Motion”), requesting an extension of time to file a state law claim. The Court will deny the Motion.

Plaintiff Ramon Hernandez filed this action as a prisoner civil rights action, asserting both federal and state law claims. The Court referred the case to the Honorable Judge Gregory J. Fouratt, United States Magistrate Judge, for proposed findings and a recommended decision. On July 8, 2016, Judge Fouratt issued his Proposed Findings and Recommended Disposition, filed July 8, 2016 (Doc. 26)(“PFRD”). Judge Fouratt recommended that the Court dismiss Hernandez' federal claim with prejudice. See PFRD at 20. Judge Fouratt also recommended that the Court decline to exercise supplemental jurisdiction over Hernandez' remaining state law claims and dismiss those claims without prejudice. See PFRD at 20. The PFRD indicated that the parties had fourteen days to file objections to the recommended disposition. See PFRD at 21. Hernandez did not object, and on September 9, 2016, the Court entered its Memorandum Opinion and Order adopting Judge Fouratt's PFRD. See Memorandum Opinion and Order Adopting Magistrate Judge's Proposed Findings and

Recommended Disposition at 1, filed September 9, 2016 (Doc. 27). The Court concurrently entered Final Judgment. See Final Judgment at 1, filed September 9, 2016 (Doc. 28).

Hernandez filed his Motion requesting an extension on September 22, 2016. In the Motion, he provides: “I am writing you today for an extension on my state claim. I received notice that it [sic] state claim was dismissed without prejudice and would like to get an extension.” Motion at 1. Because the Court declined to exercise supplemental jurisdiction over Hernandez’ state law claim, Hernandez cannot proceed any further in federal court on that claim. See 28 U.S.C. § 1367(c). See also Brooks v. Gaenzle, 614 F.3d 1213, 1229 (10th Cir. 2010). Accordingly, the Court will deny the requests in Hernandez’ Motion.

IT IS ORDERED that the requests in Plaintiff Ramon Hernandez’ Letter to the Court (dated September 17, 2016), filed September 22, 2016 (Doc. 29), are denied.



UNITED STATES DISTRICT JUDGE

Counsel and Parties:

Ramon Hernandez
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Plaintiff Pro Se

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Attorney for Defendants Mike Carrillo and Robert Zamarippa