

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SEAN COLBY HOARD,

2:13-cv-02161-AC

Plaintiff,

ORDER

v.

JERIAL HARTMAN, WILLIAM  
ORTEGA, ESPIRIDION SALDIVAR,  
HAROLD BROWN, JAMES TAYLOR,  
and MARK NOOTH,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#72) on December 4, 2015, in which he recommends this Court grant in part and deny in part Defendants' Motion (#57) for Summary Judgment. Magistrate Judge Acosta specifically recommended this Court grant summary judgment in favor of Defendants on Plaintiff's (1) claims under 42 U.S.C. § 1983 against Defendant Nooth, (2) claim under the Fourteenth Amendment

of the United States Constitution against Defendant Taylor, (3) state common-law and constitutional claims, and (4) request for declaratory relief. Magistrate Judge Acosta, however, recommended this Court deny summary judgment as to (1) Plaintiff's Eighth Amendment claims against Defendants Hartman, Ortega, Saldivar, and Brown, and (2) Plaintiff's request for punitive damages. In addition, Magistrate Judge Acosta recommended this Court deny as moot Defendants' Motion as to the availability of damages for Plaintiff's official-capacity claims. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#72). Accordingly, the Court **GRANTS** Defendants' Motion (#57) for Summary Judgment as to Plaintiff's (1) claims under 42 U.S.C. § 1983 against Defendant Nooth, (2) claim under

the Fourteenth Amendment of the United States Constitution against Defendant Taylor, (3) state common-law and constitutional claims, and (4) request for declaratory relief. The Court **DENIES** Defendant's Motion as to (1) Plaintiff's Eighth Amendment claims against Defendants Hartman, Ortega, Saldivar, and Brown, and (2) Plaintiff's request for punitive damages. Finally, the Court **DENIES as moot** Defendants' Motion as to the availability of damages for Plaintiff's official-capacity claims.

IT IS SO ORDERED.

DATED this 12th day of January, 2016.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge