

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DEAN PHILIP HARRIS,

Plaintiff,

v.

Civil No. 07-1654-ST  
Portland Division  
O R D E R

DR. VARGO, HARDY MYERS;  
DR. STEVE SHELDON; DR. GARTH  
GLICK; JOHN AND JANE DOES,

Defendants.

HAGGERTY, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation [65] in this action. The Magistrate Judge recommended that defendants' Motion for Summary Judgment [48] should be granted, plaintiff's Motion for Summary Judgment [57] should be denied, and this case should be dismissed with prejudice.

Plaintiff has filed objections [70], and four related motions: Motion to re-Open Case because of New Evidence [68]; Motion for Acceptance of Misplaced Documents [69]; Motion to Correct Errors [71]; and Motion to Deny Acceptance of Defense Response [73]. When a party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court

must make a *de novo* determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Plaintiff filed objections in a timely manner. The court has given the file of this case a *de novo* review, and has also carefully evaluated the Magistrate Judge's Findings and Recommendations, plaintiff's objections, and the record of the case. The Findings and Recommendation is adopted in its entirety. Plaintiff's supplemental motions have also been referred to this court, and have been considered. Those motions are denied.

### ANALYSIS

The facts of the case, and the legal standards that are applicable to the issues advanced, are presented thoroughly in the sound Findings and Recommendation, and need not be repeated in detail. After conducting a careful review of the entire record, this court concludes that no reasonable fact-finder could conclude that defendants were deliberately indifferent to plaintiff's serious medical needs in violation of his Eighth Amendment rights.

Plaintiff presents no genuine issue of material fact concerning the extensive, constitutionally sufficient medical treatment he has received. There is no evidence that plaintiff's medical needs were ignored. Although plaintiff disagrees with the medical assessments and treatments provided him, his disagreements fail to establish any actionable claims against defendants.

Similarly, plaintiff's supplemental motions are without merit. His request to submit additional evidence regarding the results of his back surgery is denied because such evidence is irrelevant to the issue of whether plaintiff presented viable constitutional claims against defendants for the medical care provided. Plaintiff's request to accept misplaced documents is denied as moot. The documents identified by plaintiff in his motion have been filed and

considered by this court. Plaintiff's motion to correct errors is denied as moot. This court has considered the six paragraphs presented by plaintiff in support of this motion and has found the motion to be without merit. Finally, plaintiff's motion that the court disregard defendants' Response to plaintiff's summary judgment motion because of alleged errors in the "case caption" is denied.

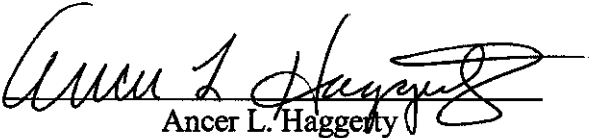
### **CONCLUSION**

The Magistrate Judge's Findings and Recommendation [65] in this action is adopted. Defendants' Motion for Summary Judgment [48] is granted, plaintiff's Motion for Summary Judgment [57] is denied, and this case is dismissed with prejudice.

Plaintiff's Motion to re-Open Case because of New Evidence [68]; Motion for Acceptance of Misplaced Documents [69]; Motion to Correct Errors [71]; and Motion to Deny Acceptance of Defense Response [73] have been evaluated and are denied.

IT IS SO ORDERED.

Dated this 11 day of January, 2010.

  
Ancer L. Haggerty  
United States District Judge