

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JAMES O'NEIL WIGGIN,

9 Plaintiff,

10 v.

11 WILLIAM ROLLINS, et al.,

12 Defendants.

CASE NO. C13-5057 BHS-KLS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 118), and
15 Defendants’ objections to the R&R (Dkt. 119).

16 On October 4, 2013, Judge Strombom issued the R&R recommending that the
17 Court grant Plaintiff James O’Neil Wiggin’s (“Wiggin”) motion to amend and deny
18 Defendants’ motion to dismiss as moot. Dkt. 118. Judge Strombom concluded that the
19 allegations in Wiggin’s amended complaint stated a cognizable claim for deliberate
20 indifference under the Eight Amendment. *Id.* On October 18, 2013, Defendants filed
21 objections arguing that Wiggin had failed to state allegations that amount to deliberate
22 indifference. Dkt. 119. The Court disagrees with Defendants and finds that Wiggin’s

1 | allegations, if taken as true, state a claim for deliberate indifference to his health.
2 | Therefore, the Court having considered the R&R, Defendants' objections, and the
3 | remaining record, does hereby find and order as follows:

- 4 | (1) The R&R is **ADOPTED**;
- 5 | (2) Wiggin's motion to amend is **GRANTED**;
- 6 | (3) Defendants' motion to dismiss is **DENIED**; and,
- 7 | (4) The matter is re-referred for further proceedings.

8 | Dated this 20th day of November, 2013.

9 | 

10 | _____
11 | BENJAMIN H. SETTLE
12 | United States District Judge

13 |
14 |
15 |
16 |
17 |
18 |
19 |
20 |
21 |
22 |