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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 MITCHELL LEE VARNELL,

9 Plaintiff,

v.

10 WASHINGTON DEPARTMENT OF  
11 CORRECTIONS, et al.,

12 Defendants.

CASE NO. C15-5443 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)  
14 of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 178), and  
15 Plaintiff Mitchell Varnell’s (“Varnell”) motion for extension of time (Dkt. 179) and  
16 objections to the R&R (Dkt. 181).

17 On July 3, 2018, Judge Christel issued the R&R recommending that the Court  
18 deny Varnell’s motion for injunctive relief and grant Defendants’ motion for summary  
19 judgment on Varnell’s claims. Dkt. 178. On July 17, 2018, Varnell filed a motion for an  
20 extension of time to file objections. Dkt. 179. On July 30, 2018, Defendants responded  
21 and requested that, if the Court grants Varnell’s motion, the deadline for objections be set  
22 no later than August 10, 2018. Dkt. 180. On August 10, 2018, Varnell filed objections.

1 Dkt. 181.<sup>1</sup> On August 30, 2018, Defendants responded to Varnell's objections. Dkt.  
2 182. On September 6, 2018, Varnell replied. Dkt. 183.

3 The district judge must determine de novo any part of the magistrate judge's  
4 disposition that has been properly objected to. The district judge may accept, reject, or  
5 modify the recommended disposition; receive further evidence; or return the matter to the  
6 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

7 In this case, Varnell asserts numerous objections. Varnell, however, merely  
8 repeats many of his arguments that were properly rejected by Judge Christel. For  
9 example, Varnell contends that Defendant Kenneth Sawyer is a consulting, non-  
10 specialist, and it was improper to rely on his opinion in opposition to Varnell's treating  
11 specialist's opinion. Dkt. 181 at 7. Dr. Sawyer, however, is an orthopedic surgeon and is  
12 considered a specialist in the medical field of spinal surgeries. Dkt. 176, ¶ 12. Thus,  
13 Varnell's objection on this issue is without merit.

14 Likewise, Varnell fails to establish that any part of the R&R should be modified or  
15 rejected. Judge Christel provides a thorough recitation and evaluation of the evidence  
16 and the law. Therefore, the Court having considered the R&R, Varnell's objections, and  
17 the remaining record, does hereby find and order as follows:

- 18 (1) The R&R is **ADOPTED**;
- 19 (2) Defendants' motion for summary judgment (Dkt. 130) is **GRANTED**;
- 20 (3) Varnell's motion for injunctive relief (Dkt. 129) is **DENIED**; and

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22 <sup>1</sup> The Court grants Varnell's motion for an extension because Varnell timely filed his objections  
within the time frame proposed by Defendants.

1 (4) The Clerk shall enter a **JUDGMENT** and close the case.

2 Dated this 12th day of September, 2018.

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4 BENJAMIN H. SETTLE  
5 United States District Judge