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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTOPHER BISTRYSKI,

Plaintiff,

v.

DOC HEALTH SERVICES OF
STAFFORD CREEK CORRECTIONS
CENTER, DOC HEALTH SERVICES ON
MONROE CORRECTIONAL COMPLEX
– SPECIAL OFFENDERS CENTER,
SCOTT LIGHT, DR. MICHAEL FURST,
CHARLES CASEY, SHERYL ALBERT,
DR. G. STEVEN HAMMOND, Chief
Medical Officer, STEVEN SINCLAIR,
Secretary of Washington DOC,
individually and in their official capacities,

Defendants.

CASE NO. 17-5369 RJB

ORDER ON REPORTS AND
RECOMMENDATIONS AND RE-
REFERRING CASE

THIS MATTER comes before the Court on the Reports and Recommendations of U.S. Magistrate Judge Theresa L. Fricke. Dkts. 33, 34, and 35. The Court has reviewed the Reports and Recommendations, objections, if any, and the remaining file and is fully advised.

1 **FACTS AND PROCEDURAL HISTORY**

2 Plaintiff, a *pro se* prisoner, brings this case pursuant to 42 U.S.C. § 1983, asserting that
3 the Defendants violated his Eighth Amendment right to adequate medical care. Dkt. 32. He
4 seeks both damages and injunctive relief. *Id.* In September 2017, several of the institutional
5 Defendants moved to dismiss his claims against them (Dkt. 21) as did Defendant Dr. Michael
6 Furst (Dkt. 23). A week later, Plaintiff moved to amend his complaint. Dkt. 25. That same day,
7 Plaintiff also filed a motion for a temporary restraining order and for a preliminary injunction.
8 Dkt. 24.

9 On December 19, 2017, Plaintiff’s motion to amend was granted (Dkt. 31), his Amended
10 Complaint (Dkt. 32) was filed, and the Reports and Recommendations recommending this Court
11 grant both motions to dismiss, with prejudice, (Dkts. 33 and 34) were filed. A few days later, on
12 December 22, 2017, a Report and Recommendation recommending denial of the Plaintiff’s
13 motion for a temporary restraining order and for a preliminary injunction, based in part on the
14 recommendations on the motions to dismiss, was filed. Dkt. 35. All the Reports and
15 Recommendations refer to the original complaint (Dkt. 6).

16 On December 29, 2017, some, but not all, the Defendants filed a Motion to Dismiss
17 claims asserted against them in the Amended Complaint. Dkt. 38. This motion is not yet ripe.
18 That same day, Plaintiff filed a “Motion for Reconsideration,” indicating that “[t]his motion
19 constitutes Plaintiff’s written objections to the Report and Recommendation regarding the
20 Motion to Dismiss filed by Defendant Michael Furst, M.D.” Dkt. 40. Accordingly, the Court
21 should construe this pleading as an objection to the Report and Recommendation and not a
22 motion for reconsideration.

23 **DISCUSSION**

- 1 • The case **IS RE-REFERRED** to U.S. Magistrate Judge Theresa L. Fricke for
2 proceedings consistent with this order.

3 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
4 to any party appearing *pro se* at said party's last known address.

5 Dated this 9th day of January, 2018.

6 

7 ROBERT J. BRYAN
8 United States District Judge