NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FOSTER TAFT, Plaintiff-Appellant, v. VENTURA COUNTY MEDICAL CENTER; CAROL LASHBROOK, Defendants-Appellees.	No. 21-55216 D.C. No. 2:20-cv-07856-MWF-E MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted December 7, 2021**
Pasadena, California

Before: W. FLETCHER and RAWLINSON, Circuit Judges, and BENCIVENGO,*** District Judge.

Foster Taft appeals from an order of the district court dismissing his complaint without leave to amend.

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* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Cathy Ann Bencivengo, United States District Judge for the Southern District of California, sitting by designation.

Taft brought suit under 42 U.S.C. § 1983 against Ventura County Medical Center ("VCMC") and Carol Lashbrook, a VCMC records preparer, alleging a violation of the federal Health Insurance Portability and Accountability Act ("HIPAA"). We have jurisdiction under 28 U.S.C. § 1291 and we affirm.

Taft argues that his suit should not have been dismissed because § 1983 confers a private cause of action for violations of HIPAA. It is well established, however, that HIPAA itself does not provide a private cause of action. *Webb v. Smart Document Sols.*, 499 F.3d 1078, 1081 (9th Cir. 2007). An alleged HIPAA violation therefore cannot provide a basis for a § 1983 claim. *Gonzaga Univ. v. Doe*, 536 U.S. 273, 282-83 (2002) ("We now reject the notion that our cases permit anything short of an unambiguously conferred right to support a cause of action brought under § 1983.").

Taft further argues that the district court erred in denying leave to amend his complaint to add a cause of action under the Privacy Act of 1974, 5 U.S.C. § 552a. A district court's denial of leave to amend a complaint is presumed improper unless upon de novo review it is clear that "the complaint could not be saved by any amendment." *Thinket Ink Info. Res. v. Sun Microsystems*, 368 F.3d 1053, 1061 (9th Cir. 2004). The Privacy Act of 1974 governs the privacy of records maintained on individuals by agencies of the federal government. 5 U.S.C. §§ 552a(1); 551(1). The Privacy Act does not apply to state hospitals, even if they accept federal funding through Medicaid. *St. Michael's Convalescent Hosp. v. State of California*, 643 F.2d 1369, 1373-74 (9th

Cir. 1981). Because VCMC is not an agency of the federal government, the district court did not err in finding that Taft's proposed additional claims against VCMC and Lashbrook under the Privacy Act would be futile.

AFFIRMED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.CV 20-7856-MWF (Ex) JS-6
Date: January 4, 2021
Title: Foster Taft v. Ventura County Medical Center et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:	Court Reporter:
Rita Sanchez	Not Reported
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
None Present	None Present

Proceedings (In Chambers):
ORDER RE: VENTURA COUNTY MEDICAL CENTER'S MOTION TO DISMISS [11]; CAROL LASHBROOK'S MOTION TO DISMISS [13]

Before the Court are two motions:

The first is Defendant Ventura County Medical Center's ("VCMC") Motion to Dismiss (the "VCMC Motion"), filed on November 23, 2020. (Docket No. 11). The second is Defendant Carol Lashbrook's Motion to Dismiss (the "Lashbrook Motion"), filed on November 23, 2020. (Docket No. 13). Both Defendants amended their Motions on November 20, 2020. (Docket Nos. 17, 18). Pro se Plaintiff Foster Taft filed an opposition on December 3, 2020. (Docket No. 19).

The Motions were noticed to be heard on December 21, 2020. The Court read and considered the papers on the Motions and deemed the matters appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78(b); Local Rule 7-15. The hearing was therefore **VACATED** and removed from the Court's calendar. Vacating the hearing is also consistent with General Order 20-09 and the Continuity of Operations Plan ("COOP"), effective December 9, 2020, through and including January 8, 2021, arising from the COVID-19 pandemic.

For the reasons discussed below, the Motions are **GRANTED**. Plaintiff's Health Insurance Portability and Accountability Act of 1996 ("HIPPA") claims fail because there is no private cause of action under HIPPA. The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims because Plaintiff does not have a cause of action implicating a federal question. *See* 28 U.S.C. § 1367(c)(3).

I. BACKGROUND

The Complaint contains the following allegations:

On August 2, 2019, Plaintiff signed an authorization consenting to a limited release of information from VCMC and Magnolia Clinic to Farmers Insurance Company ("Farmers") in connection with a vehicle injury. (Complaint at 2). On August 7, 2019, Plaintiff went to the VCMC Records window and gave them a written note prohibiting them from disclosing to Farmers any information outside the scope of the June 21, 2019 and June 28, 2019 visits (the "Visits"). (*Id.*). The

records sent to Farmers included enormous amounts of medical information outside the scope of the Visits. (*Id.* at 3). Based on these facts, Plaintiff brings the following claims: (1) violation of California Civil Code 56.10; and (2) violation of HIPPA regulations, including 45 CFR 164.502.

II. LEGAL STANDARD

In ruling on a motion under Federal Rule of Civil Procedure 12(b)(6), the Court follows *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). "To survive a motion to dismiss, a complaint must contain sufficient factual matter . . . to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (citation omitted). "All allegations of material fact in the complaint are taken as true and construed in the light most favorable to the plaintiff." *Williams v. Gerber Prods. Co.*, 552 F.3d 934, 937 (9th Cir. 2008) (holding that a plaintiff had plausibly stated that a label referring to a product containing no fruit juice as "fruit juice snacks" may be misleading to a reasonable consumer). The Court need not accept as true, however, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements." *Iqbal*, 556 U.S. at 678. The Court, based on judicial experience and common-sense, must determine whether a complaint plausibly states a claim for relief. *Id.* at 679.

III. REQUEST FOR JUDICIAL NOTICE

In support of the Motions, Defendants request that the Court take judicial notice (the "RJN") of three documents: (1) a complaint filed by Plaintiff against Defendants in Ventura County Superior Court; (2) the First Amended Complaint filed by Plaintiff against Defendants in Ventura County Superior Court; and (3) the order of the Ventura County Superior Court on a discovery motion filed by Defendants in that case. (Docket Nos. 12, 14). Plaintiff does not oppose the RJN.

The Court may take judicial notice of court filings and other matters of public record. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006). The Court determines that the exhibits are matters of public record. Accordingly, the unopposed RJN is **GRANTED**.

IV. DISCUSSION

As a preliminary matter, the Court notes that Plaintiff filed a First Amended Complaint ("FAC") without leave from the Court on December 17, 2020, several months after filing his original Complaint on August 26, 2020. (Docket No. 21). Outside the twenty-one day grace period, a party may amend its complaint only with the opposing party's written consent or the Court's leave. Fed R. Civ. P. 15(2). Accordingly, the FAC is **STRICKEN**.

Defendants argue that Plaintiff's HIPPA claim fails because there is no private cause of action under

HIPPA. (Amended Lashbrook Motion at 3-4 (Docket No. 181)). The Court agrees. "HIPAA itself provides no private right of action." *Webb v. Smart Document Solutions, LLC*, 499 3 F.3d 1078, 1081 (9th Cir. 2015); *see also Johnson v. Quander*, 370 F. Supp. 2d 79, 100 (D.D.C. 2005), *aff'd*, 440 F.3d 489 (D.C. Cir. 2006) ("While only a handful of courts have examined whether a private right of action is implied under the HIPAA, each Court has rejected the position."); *University of Colorado Hasp. v. Denver Pub. Co.*, 340 F. Supp. 2d 1142 (D. Colo. 2004) ("the statutory text displays no intent to create a private right of action under § 1320d-6").

Plaintiff argues that 42 U.S.C. § 1983 allows him to bring a private cause of action under HIPPA. (Opposition at 4). The Court disagrees. "An alleged HIPAA violation cannot form the basis for a 1983 claim." *Huling v. City of Los Banos*, 869 F. Supp. 2d 1139, 1154 (E.D. Cal. 2012).

Section 1983 creates a cause of action against a person who, acting under color of state law, deprives another of rights that are guaranteed under the Constitution. *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002)). Section 1983 is not a source of substantive federal rights. *Id.* As the court in *Huling* explained:

> Although section 1983 does on its face apply to both federal constitutional and federal *statutory* rights, if there is no basis for a private right of action under the particular federal statute, that statute does not create a federal right for purposes of section 1983. *See*

> *Gonzaga University v. Doe*, 536 U.S. 273, 286, 122 S. Ct. 2268, 153 L.Ed.2d 309 (2002). Because, as has been discussed in previous decisions in this case, HIPAA provides no private right of action, *United States v. Streich*, 560 F.3d 926, 935 (9th Cir.2009), it cannot form the basis of a section 1983 claim. *See Garber v. City of Clovis*, 2012 WL 273380, *9 (E.D. Cal. Jan. 30, 2012) (dismissing 1983 claim premised upon HIPAA violation); *Miller v. Elam*, 2011 WL 1549398, *4 (E.D. Cal. Apr. 21, 2011) (same).

Huling, 869 F. Supp 2d. at 1154.

Like in *Huling*, Plaintiff's federal claims here are based upon alleged violations of HIPAA regulations and statutes that do not provide a private right of action. *Webb*, 499 F.3d at 1081 ("HIPAA itself provides no private right of action"). Accordingly, the Motions are **GRANTED**.

Because the Court dismisses Plaintiff's federal claims, the Court declines to exercise supplemental jurisdiction over the remaining state law claims. *See* 28 U.S.C. § 1367(c)(3) ("The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if . . . the district court has dismissed all claims over which it has original jurisdiction.").

V. CONCLUSION

The Motions are **GRANTED**. Plaintiff's HIPPA claims are **DISMISSED *without prejudice***. The Court

declines to exercise supplemental jurisdiction over Plaintiff's state law claims.

Accordingly, the action is **REMANDED** to the Ventura County Superior Court.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.CV 20-7856-MWF (Ex)
Date: January 6, 2021
Title: Foster Taft v. Ventura County Medical Center et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:	Court Reporter:
Rita Sanchez	Not Reported
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
None Present	None Present

Proceedings (In Chambers):

AMENDED ORDER RE: VENTURA COUNTY MEDICAL CENTER'S MOTION TO DISMISS [11]; CAROL LASH-BROOK'S MOTION TO DISMISS [13]

Before the Court are two motions:

The first is Defendant Ventura County Medical Center's ("VCMC") Motion to Dismiss (the "VCMC Motion"), filed on November 23, 2020. (Docket No. 11). The second is Defendant Carol Lashbrook's Motion to Dismiss (the "Lashbrook Motion"), filed on November 23, 2020. (Docket No. 13). Both Defendants amended their Motions on November 20, 2020. (Docket Nos. 17, 18). Pro se Plaintiff Foster Taft filed an opposition on December 3, 2020. (Docket No. 19).

The Motions were noticed to be heard on December 21, 2020. The Court read and considered the papers on the Motions and deemed the matters appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78(b); Local Rule 7-15. The hearing was therefore **VACATED** and removed from the Court's calendar. Vacating the hearing is also consistent with General Order 20-09 and the Continuity of Operations Plan ("COOP"), effective December 9, 2020, through and including January 8, 2021, arising from the COVID-19 pandemic.

For the reasons discussed below, the Motions are **GRANTED**. Plaintiff's Health Insurance Portability and Accountability Act of 1996 ("HIPPA") claims fail because there is no private cause of action under HIPPA. The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims because Plaintiff does not have a cause of action implicating a federal question. *See* 28 U.S.C. § 1367(c)(3).

I. BACKGROUND

The Complaint contains the following allegations:

On August 2, 2019, Plaintiff signed an authorization consenting to a limited release of information from VCMC and Magnolia Clinic to Farmers Insurance Company ("Farmers") in connection with a vehicle injury. (Complaint at 2). On August 7, 2019, Plaintiff went to the VCMC Records window and gave them a written note prohibiting them from disclosing to Farmers any information outside the scope of the June 21, 2019 and June 28, 2019 visits (the "Visits"). (*Id.*). The

records sent to Farmers included enormous amounts of medical information outside the scope of the Visits. (*Id.* at 3). Based on these facts, Plaintiff brings the following claims: (1) violation of California Civil Code 56.10; and (2) violation of HIPPA regulations, including 45 CFR 164.502.

II. LEGAL STANDARD

In ruling on a motion under Federal Rule of Civil Procedure 12(b)(6), the Court follows *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). "To survive a motion to dismiss, a complaint must contain sufficient factual matter . . . to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (citation omitted). "All allegations of material fact in the complaint are taken as true and construed in the light most favorable to the plaintiff." *Williams v. Gerber Prods. Co.*, 552 F.3d 934, 937 (9th Cir. 2008) (holding that a plaintiff had plausibly stated that a label referring to a product containing no fruit juice as "fruit juice snacks" may be misleading to a reasonable consumer). The Court need not accept as true, however, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements." *Iqbal*, 556 U.S. at 678. The Court, based on judicial experience and common-sense, must determine whether a complaint plausibly states a claim for relief. *Id.* at 679.

III. REQUEST FOR JUDICIAL NOTICE

In support of the Motions, Defendants request that the Court take judicial notice (the "RJN") of three documents: (1) a complaint filed by Plaintiff against Defendants in Ventura County Superior Court; (2) the First Amended Complaint filed by Plaintiff against Defendants in Ventura County Superior Court; and (3) the order of the Ventura County Superior Court on a discovery motion filed by Defendants in that case. (Docket Nos. 12, 14). Plaintiff does not oppose the RJN.

The Court may take judicial notice of court filings and other matters of public record. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006). The Court determines that the exhibits are matters of public record. Accordingly, the unopposed RJN is **GRANTED**.

IV. DISCUSSION

As a preliminary matter, the Court notes that Plaintiff filed a First Amended Complaint ("FAC") without leave from the Court on December 17, 2020, several months after filing his original Complaint on August 26, 2020. (Docket No. 21). Outside the twenty-one day grace period, a party may amend its complaint only with the opposing party's written consent or the Court's leave. Fed R. Civ. P. 15(2). Accordingly, the FAC is **STRICKEN**

Defendants argue that Plaintiff's HIPPA claim fails because there is no private cause of action under

HIPPA. (Amended Lashbrook Motion at 3-4 (Docket No. 181)). The Court agrees. "HIPAA itself provides no private right of action." *Webb v. Smart Document Solutions, LLC*, 499 3 F.3d 1078, 1081 (9th Cir. 2015); *see also Johnson v. Quander*, 370 F. Supp. 2d 79, 100 (D.D.C. 2005), *aff'd*, 440 F.3d 489 (D.C. Cir. 2006) ("While only a handful of courts have examined whether a private right of action is implied under the HIPAA, each Court has rejected the position."); *University of Colorado Hasp. v. Denver Pub. Co.*, 340 F. Supp. 2d 1142 (D. Colo. 2004) ("the statutory text displays no intent to create a private right of action under § 1320d-6").

Plaintiff argues that 42 U.S.C. § 1983 allows him to bring a private cause of action under HIPPA. (Opposition at 4). The Court disagrees. "An alleged HIPAA violation cannot form the basis for a 1983 claim." *Huling v. City of Los Banos*, 869 F. Supp. 2d 1139, 1154 (E.D. Cal. 2012).

Section 1983 creates a cause of action against a person who, acting under color of state law, deprives another of rights that are guaranteed under the Constitution. *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002)). Section 1983 is not a source of substantive federal rights. *Id.* As the court in *Huling* explained:

> Although section 1983 does on its face apply to both federal constitutional and federal *statutory* rights, if there is no basis for a private right of action under the particular federal statute, that statute does not create a federal right for purposes of section 1983. *See*

> *Gonzaga University v. Doe*, 536 U.S. 273, 286, 122 S. Ct. 2268, 153 L.Ed.2d 309 (2002). Because, as has been discussed in previous decisions in this case, HIPAA provides no private right of action, *United States v. Streich*, 560 F.3d 926, 935 (9th Cir.2009), it cannot form the basis of a section 1983 claim. *See Garber v. City of Clovis*, 2012 WL 273380, *9 (E.D. Cal. Jan. 30, 2012) (dismissing 1983 claim premised upon HIPAA violation); *Miller v. Elam*, 2011 WL 1549398, *4 (E.D. Cal. Apr. 21, 2011) (same).

Huling, 869 F. Supp 2d. at 1154.

Like in *Huling*, Plaintiff's federal claims here are based upon alleged violations of HIPAA regulations and statutes that do not provide a private right of action. *Webb*, 499 F.3d at 1081 ("HIPAA itself provides no private right of action"). Accordingly, the Motions are **GRANTED**.

Because the Court dismisses Plaintiff's federal claims, the Court declines to exercise supplemental jurisdiction over the remaining state law claims. *See* 28 U.S.C. § 1367(c)(3) ("The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if . . . the district court has dismissed all claims over which it has original jurisdiction.").

V. CONCLUSION

The Motions are **GRANTED**. The action is **DISMISSED *without prejudice***.

This Order shall constitute notice of entry of judgment pursuant to Federal Rule of Civil Procedure 58. Pursuant to Local Rule 58-6, the Court **ORDERS** the Clerk to treat this order, and its entry on the docket, as an entry of judgment.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.CV 20-7856-MWF (Ex)
Date: January 15, 2021
Title: Foster Taft v. Ventura County Medical Center et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:	Court Reporter:
Rita Sanchez	Not Reported
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
None Present	None Present

Proceedings (In Chambers):
ORDER DENYING MOTION TO REOPEN CASE [29]; MOTION TO AMEND COMPLAINT [30]; MOTION FOR RELIEF FROM JUDGMENT [33]

Before the Court are two motions:

The first is pro se Plaintiff Foster Taft's Motion to Reopen Case, filed on January 6, 2021. (Docket No. 29). The second is Plaintiff's Motion to Amend Complaint, filed on January 6, 2021. (Docket No. 30). The third is Plaintiff's Motion for Relief from Judgment, filed on January 11, 2021. (Docket No. 33). On the Court's own motion, the hearing on these motions was continued to February 22, 2021. (Docket No. 32). Therefore, no oppositions have yet been filed.

As a preliminary matter, the Court notes that the action was dismissed without prejudice on January 6, 2021, on the basis that HIPAA does not provide a private right of action. (Amended Order Re: Ventura County medical Center's Motion to Dismiss (the "Prior Order") at 5 (Docket No. 31)). Plaintiff's Motion to Amend Complaint is therefore **DENIED**.

Even if the Court were to reach the merits of the Proposed First Amended Complaint ("PFAC"), the Court would dismiss the PFAC because it alleges a violation of the Privacy Act of 1974, 5 U.S.C. § 552a(b) (2007). (*See generally* PFAC (Docket No. 30-1)). The Privacy Act applies only to government agencies and, like HIPAA, does not provide a private right of action for disclosure of medical records. *McLeod v. Dep't of Veterans Affairs*, 43 F. App'x 70, 71 (9th Cir. 2002) ("The district court properly dismissed the complaint as to the private entities and the United States because only governmental agencies are subject to the Privacy Act"); *Cacho v. Chertoff*, No. 06-00292, 2006 WL 3422548, *2 (D.D.C. Nov. 28, 2006) (dismissing a Privacy Act claim on the grounds that it "would be inconsistent with both HIPAA and the Privacy Act's plain language" to "recognize under the Privacy Act a private right of action that Congress has expressly denied under HIPAA.").

Plaintiff's Motion to Reopen Case and Motion for Relief from Judgment are duplicative, seeking relief from the Prior Order under Rule 60(b). (Motion to Reopen Case at 1); (Motion for Relief from Judgment at 1). Rule 60 provides that a court may relieve a party

from a final judgment or order for the following reasons:

> (1) mistake, inadvertence, surprise, or excusable neglect;
>
> (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
>
> (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
>
> (4) the judgment is void;
>
> (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
>
> (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

Plaintiff argues that "[s]ubstantial personal rights, established by federal and state laws, have been violated. To permit defendants to escape attempts at accountability due to a procedural deficit without one amended complaint is not just." (Motion for Relief from Judgment). The Prior Order explains in detail that the action was dismissed because HIPAA does not provide a private right of action. (Prior Order at 3-4). The Court declined to grant Plaintiff leave to amend because it was clear that amendment would be futile—as evidenced

by the PFAC, which again fails to state a cognizable federal claim for relief. *(See generally* PFAC).

Accordingly, Plaintiff's Motion to Reopen Case and Motion for Relief from Judgment are **DENIED.**

IT IS SO ORDERED.

The Court may not provide advice to any party, including persons who are not represented by a lawyer. (Such persons are known as "pro se litigants.") However, this District does have a "Pro Se Clinic" that can provide information and assistance about many aspects of civil litigation in this Court. Public Counsel's Federal Pro Se Clinic provides free legal assistance to people representing themselves in the United States District Court for the Central District of California. The Pro Se Clinic is located at the Roybal Federal Building and Courthouse, 255 East Temple Street, Los Angeles, California 90012.

Due to COVID-19, the Los Angeles Federal Pro Se Clinic is providing remote assistance via telephone and/or email. For more information, you can call the clinic at (213) 385-2977, ext. 270, or visit the following website: tinyurl.com/fedproseclinic.

In addition, the Court has information of importance to pro se litigants at the "People Without Lawyers" link, http://prose.cacd.uscourts.gov/.

Pro se litigants may also apply to the Court for permission to electronically file. Form CV-005 is available at http://www.cacd.uscourts.gov/court-procedures/forms.

The Court's website home page is http://www.cacd.uscourts.gov.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.CV 20-7856-MWF (Ex)
Date: February 11, 2021
Title: Foster Taft v. Ventura County Medical Center et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:	Court Reporter:
Rita Sanchez	Not Reported
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
None Present	None Present

Proceedings (In Chambers):
ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT [37]

Before the Court is pro se Plaintiff Foster Taft's Motion for Relief from Judgment (the "Motion"), filed on February 3, 2021. (Docket No. 33). Plaintiff argues that Defendant Ventura County Medical Center ("VCMC") has violated his rights again by releasing unredacted versions of his medical records to a third party. (Motion at 2). Plaintiff seeks relief from this Court's January 6, 2020 Order dismissing his claims, and leave to file an amended complaint. (*Id.* at 1).

The Court has already denied three of Plaintiff's motions asking for this type of relief. (Docket No. 34). Given that the case is closed, the Court again declines

to grant Plaintiff the relief he seeks. If Plaintiff believes that he has been wronged in some way not included in this closed action, Plaintiff's remedy is not to resurrect a closed case.

Accordingly, Plaintiff's Motion is **DENIED**.

IT IS SO ORDERED.

The Court may not provide advice to any party, including persons who are not represented by a lawyer. (Such persons are known as "pro se litigants.") However, this District does have a "Pro Se Clinic" that can provide information and assistance about many aspects of civil litigation in this Court. Public Counsel's Federal Pro Se Clinic provides free legal assistance to people representing themselves in the United States District Court for the Central District of California. The Pro Se Clinic is located at the Roybal Federal Building and Courthouse, 255 East Temple Street, Los Angeles, California 90012.

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