

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-30817
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 13, 2015

Lyle W. Cayce
Clerk

RUTH JOHNSON,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA,

Defendant-Appellee,

Consolidated w/ 14-31034

FLOYD HAMILTON, III, on behalf of Floyd Hamilton II Estate,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeals from the United States District Court
Western District of Louisiana
USDC No. 1:13-CV-41

Before STEWART, Chief Judge, and PRADO and HAYNES, Circuit Judges.

PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Plaintiffs-Appellants filed this suit against Defendant-Appellee, alleging various claims of fraud and tort. The district court granted Defendant-Appellee's motion for summary judgment and dismissed the suit with prejudice. We affirm.

I.

In 2012, Plaintiffs-Appellants Ruth Johnson and Floyd Hamilton, III, ("Floyd") filed a wrongful death suit against Dr. Shivani Negi, the Commonwealth of Virginia, and Virginia officials William Harp and Ola Powers. The suit alleged that Dr. Negi fraudulently obtained her medical license from the Commonwealth of Virginia and that Virginia health officials negligently issued a medical license to Dr. Negi. According to Plaintiffs-Appellants, as a result of these events, Dr. Negi was able to obtain employment as a physician at the Veterans Affairs Medical Center ("VAMC") in Alexandria, Louisiana and commit medical malpractice there, which resulted in the wrongful death of Floyd's father, Floyd Hamilton, Jr., a former patient at the VAMC.

In January 2013, the United States removed the matter on behalf of Dr. Negi to federal district court pursuant to 28 U.S.C. § 1446(a)(1). In May 2013, the United States moved to dismiss for failure to state a claim for relief. In June 2013, the district court adopted the report and recommendation of the magistrate judge and dismissed the claims against the Commonwealth of Virginia, Harp and Powers. Additionally, Dr. Negi was dismissed from the suit and the United States was substituted as the proper party. Plaintiffs-Appellants moved for a new trial alleging that their claims were against Dr. Negi in her personal capacity. The United States subsequently filed a motion to dismiss with respect to the tort claims and a motion for summary judgment with respect to the fraud claim. Again adopting the report and recommendation of the magistrate judge, the district judge denied Plaintiffs-

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Appellants' motion for a new trial and granted the United States' motion for summary judgment and motion to dismiss, thereby dismissing the fraud claim and the other pending tort claims with prejudice.

II.

On appeal, Plaintiffs-Appellants contend that the district court erred in granting Defendant-Appellee's motion for summary judgment, dismissing their claims. Plaintiffs-Appellants dedicate the majority of their argument on appeal to their allegations of fraud against Dr. Negi.¹

III.

"We review a district court's grant of summary judgment de novo." *James v. State Farm Mut. Auto. Ins. Co.*, 743 F.3d 65, 68 (5th Cir. 2014). We also conduct a de novo review of a district court's grant of a motion to dismiss. *See Stokes v. Gann*, 498 F.3d 483, 484 (5th Cir. 2007).

After considering the parties' arguments as briefed on appeal, and after reviewing the record, the applicable law, and the district court's judgment and reasoning adopting the magistrate judge's findings, conclusions and recommendation, we AFFIRM the district court's judgment and adopt its analysis in full.

¹ This court previously affirmed the district court's dismissal of Floyd's medical malpractice claims against Dr. Negi. *See Hamilton v. Negi*, 595 Fed. App'x 346, 349 (5th Cir. 2014).