UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNARD LEE DAVIS, Plaintiff, v. JAMES WALKER, et al., Defendants.	No. 2:08-cv-0593 KJM DB P
KENNARD LEE DAVIS, Plaintiff, v. JAMES WALKER, et al., Defendants.	No. 2:10-cv-2139 KJM DB P <u>ORDER</u>

Plaintiff is a state prisoner proceeding in forma pauperis with civil rights actions under 42 U.S.C. § 1983. On September 12, 2017, the court appointed Steven Hugh Mannis, M.D. as a neutral expert to assist the court under Federal Rule of Evidence 706. ECF Nos. 154/214 at 6.[1] The order required Dr. Mannis to review the operative pleadings in both cases and a motion

[1] Throughout this order citations to filings in the court's Electronic Case Filing (ECF) system will be first to the ECF No. in Case No. 2:08-cv-0593 KJM DB P and second to the ECF No. in Case

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for preliminary injunction filed September 12, 2011 in Case No. 2:10-cv-2139 KJM DB P, as well as plaintiff's medical records, to perform an examination of plaintiff, and within forty-five days thereafter to submit a written report to the court. *Id*.

On November 29, 2017, Dr. Mannis submitted a declaration in which he avers that on September 17, 2017 he traveled to Richard J. Donovan Correctional Facility to examine plaintiff, and that plaintiff refused to allow Dr. Mannis to interview him or examine him. A copy of Dr. Mannis's declaration is attached to this order.

Good cause appearing, Dr. Mannis will be directed to file a written report responsive to the question raised in the court's September 12, 2017 order, namely, whether in his view the medical care provided to plaintiff for the conditions described in that order met the community standard of care. Dr. Mannis shall note in that report the extent to which, if any, the inability to examine plaintiff in person bears on his conclusions.

In accordance with the above, IT IS HEREBY ORDERED that within forty-five days Dr. Mannis shall file a written report in accordance with this order.

DATED: December 12, 2017.

UNITED STATES DISTRICT JUDGE

ATTACHMENT