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. Plaintiff is proceeding in both actions through a guardian ad litem, Ronnie Tolliver. *See* ECF Nos. 40; 81.[1] Several motions are pending in each of the above actions.

[1] Throughout this order citations to documents filed in the court's Electronic Case Filing (ECF) system are first to the record in Case No. 2:08-cv-0593 KJM DB and second to the record in Case No. 2:10-cv-2139 KJM DB.

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On June 19, 2017, plaintiff filed a motion to replace his current guardian ad litem with a new guardian ad litem. ECF Nos. 140; 198. On the same day, plaintiff filed a motion to amend a defendant in Case No. 2:10-cv-2139, and on June 23, 2017, plaintiff filed in Case No. 2:10-cv-2139 a motion to amend the complaint and another motion to replace his guardian ad litem. ECF Nos. 199, 202, 203. On September 25, 2017 and September 27, 2017, plaintiff filed objections to the court's September 12, 2017 order appointing a neutral expert. ECF Nos. 155, 157; 215, 217. Finally, on November 17, 2017 and November 27, 2017, plaintiff filed motions for appointment of counsel. ECF Nos. 159, 160; 219, 220.

Plaintiff has been instructed multiple times that he may not file documents on his own behalf. *See* ECF No. 141; 200 at 2 and orders cited therein. Plaintiff's motions and objections are all filed in violation of those orders. Plaintiff is informed that the court is aware that his current guardian ad litem, Ronnie Tolliver, has not responded to the court's June 21, 2017 order. *See id*. at 3-4. In September 2017, the court appointed a neutral expert to assist the court in evaluating how to proceed with this action. ECF Nos. 154; 214. Plaintiff's objections to this appointment, ECF Nos. 155, 157; 215,217, are without merit and are overruled. Plaintiff has refused to cooperate in an interview or an examination by the neutral expert and, by separate order, the court has directed the neutral expert to file a written report. Following receipt of that report, the court intends to consider all available options, including appointment of a new guardian ad litem and appointment of counsel to represent the guardian ad litem. All outstanding motions will be denied. No orders will issue in response to future pro se filings from plaintiff until further order of court.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to replace guardian ad litem filed in Case No. 2:08-cv-0593 KJM DB, ECF No. 140, is denied without prejudice;
2. Plaintiff's motions to replace guardian ad litem filed in Case No. 2:10-cv-2139 KJM DB, ECF No. 198 and 203, are denied without prejudice;
3. Plaintiff's motions for appointment of counsel filed in Case No. 2:08-cv-0593 KJM DB, ECF No. 159 and 160, are denied;

4. Plaintiff's motions for appointment of counsel filed in Case No. 2:10-cv-2139 KJM DB, ECF Nos. 219 and 220, are denied;
5. Plaintiff's motions to amend defendant and amend the complaint filed in Case No. 10-cv-2139, ECF Nos. 199 and 202, are denied;
6. Plaintiff's objections to the court's September 12, 2017 order appointing a neutral expert filed in Case No. 2:08-cv-0593 KJM DB, ECF Nos. 155 and 157, are overruled;
7. Plaintiff's objections to the court's September 12, 2017 order appointing a neutral expert filed in Case No. 2:10-cv-2139 KJM DB, ECF Nos. 215 and 217, are overruled;
8. Plaintiff is informed that further court action must await the filing of the written report of the neutral expert and that no orders will in response to future pro se filings until further order of court.

DATED: December 13, 2017.

UNITED STATES DISTRICT JUDGE