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

KENNARD LEE DAVIS,

Plaintiff,

v.

JAMES WALKER, et al.,

Defendants.

No. 2:10-cv-2139 KJM DB

ORDER

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Plaintiff is a state prisoner proceeding in forma pauperis with the above-captioned 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]

In accordance with this court's answer to a petition for writ of mandamus filed by plaintiff in the United States Court of Appeals for the Ninth Circuit, ECF Nos. 126, 185, IT IS HEREBY ORDERED that:

1. Within fourteen days from the date of this order, plaintiff's mental health clinicians shall file a report on the current status of plaintiff's mental health, including but not limited to whether he is currently under a *Keyhea*[2] order for involuntary medication, his current Mental Health Services Delivery System designation (CCCMS, EOP, or inpatient), his most recent mental health inpatient hospitalization, his mental health prognosis, and any other matters relevant to plaintiff's ability to litigate this action.
2. These matters are referred to Sujean Park, Pro Bono Coordinator for the Eastern District of California, to confirm arrangements with a medical expert who shall be appointed as provided by Federal Rule of Evidence 706 to conduct an independent medical examination of plaintiff and report to the court on the current status of plaintiff's physical health, including any current need for treatment, physical therapy, pain medication or other treatment, in the areas of injury allegedly sustained by plaintiff that are the subject of the operative complaints in these actions, ECF Nos. 1 and 1, including the following:
    a. The fingers of plaintiff's left hand on which he had surgery in February 2008;
    b. Plaintiff's lower back;

[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.

[2] *Keyhea v. Rushen*, 178 Cal.App.3d 526 (1986).

c. Plaintiff's right knee; and

d. Plaintiff's neck, back, shoulder, hip, and spinal cord.

3. In communications leading to the issuance of this order, Ms. Park has informed the court she has focused her search for an independent medical expert on the San Diego area in view of plaintiff's current incarceration at R. J. Donovan Correctional Facility. In order to facilitate Ms. Park's further efforts, the court requests that, absent a medical or mental health emergency, defendants notify the court at least thirty days in advance of any planned transfer of plaintiff and that defendants also notify the court promptly of any other emergency change to plaintiff's housing placement.

DATED: May 18, 2017.

UNITED STATES DISTRICT JUDGE