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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Chad Lucas Harrison,  <p style="text-align: center;">Plaintiff,</p> v.  Charles L. Ryan, et al.,  <p style="text-align: center;">Defendants.</p>	No. CV 16-00345-PHX-DLR (ESW)  <p style="text-align: center;"><b>ORDER</b></p>
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Plaintiff Chad Lucas Harrison, who is confined in the Arizona State Prison Complex-Lewis, has filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1), and an Application to Proceed In Forma Pauperis (Doc. 2). The Court will order Defendants Malachinski, Corizon CEO, Johnson, and McKamey to answer the Complaint and will dismiss Defendant Ryan without prejudice. Plaintiff also filed a Motion Requesting Emergency TRO and Emergency Injunction (Doc. 4) and a Declaration in support of the Motion. The Court will deny the request for a temporary restraining order and will require Defendants Malachinski, Corizon CEO, Johnson, and McKamey to respond to the request for a preliminary injunction.

**I. Application to Proceed In Forma Pauperis and Filing Fee**

Plaintiff’s Application to Proceed In Forma Pauperis will be granted. 28 U.S.C. § 1915(a). Plaintiff must pay the statutory filing fee of \$350.00. 28 U.S.C. § 1915(b)(1). The Court will assess an initial partial filing fee of \$43.04. The remainder of the fee will be collected monthly in payments of 20% of the previous month’s income credited to

1 Plaintiff's trust account each time the amount in the account exceeds \$10.00. 28 U.S.C.  
2 § 1915(b)(2). The Court will enter a separate Order requiring the appropriate government  
3 agency to collect and forward the fees according to the statutory formula.

## 4 **II. Statutory Screening of Prisoner Complaints**

5 The Court is required to screen complaints brought by prisoners seeking relief  
6 against a governmental entity or an officer or an employee of a governmental entity. 28  
7 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if a plaintiff  
8 has raised claims that are legally frivolous or malicious, that fail to state a claim upon  
9 which relief may be granted, or that seek monetary relief from a defendant who is  
10 immune from such relief. 28 U.S.C. § 1915A(b)(1)–(2).

11 A pleading must contain a “short and plain statement of the claim *showing* that the  
12 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8  
13 does not demand detailed factual allegations, “it demands more than an unadorned, the-  
14 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
15 (2009). “Threadbare recitals of the elements of a cause of action, supported by mere  
16 conclusory statements, do not suffice.” *Id.*

17 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a  
18 claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*,  
19 550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual  
20 content that allows the court to draw the reasonable inference that the defendant is liable  
21 for the misconduct alleged.” *Id.* “Determining whether a complaint states a plausible  
22 claim for relief [is] . . . a context-specific task that requires the reviewing court to draw  
23 on its judicial experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s  
24 specific factual allegations may be consistent with a constitutional claim, a court must  
25 assess whether there are other “more likely explanations” for a defendant’s conduct. *Id.*  
26 at 681.

27 But as the United States Court of Appeals for the Ninth Circuit has instructed,  
28 courts must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338,

1 342 (9th Cir. 2010). A “complaint [filed by a *pro se* prisoner] ‘must be held to less  
2 stringent standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v.*  
3 *Pardus*, 551 U.S. 89, 94 (2007) (per curiam)).

### 4 **III. Complaint**

5 Plaintiff names the following Defendants in his eight-count Complaint: Arizona  
6 Department of Corrections (ADC) Director Charles L. Ryan; Medical Doctor Leon  
7 Malachinski; Chief Executive Officer of Corizon Healthcare John Doe #1; Corizon On-  
8 Site Manager Nurse Erica Johnson; and Nurse Practitioner Arlene McKamey. Plaintiff  
9 seeks injunctive relief and monetary damages.

10 In Count One, Plaintiff alleges his Eighth Amendment rights were violated when  
11 he was denied continuous medications for treatment of his epilepsy. Plaintiff claims  
12 there have been repeated failures to reorder his epilepsy medications, which have resulted  
13 in Plaintiff having to go days or weeks without the medications; Plaintiff claims this has  
14 happened 50 times in two years. (Doc. 1 at 5.)<sup>1</sup> Plaintiff claims that as a result of not  
15 receiving his medication, on December 15, 2015, he suffered a grand mal seizure, fell,  
16 and severely injured his face, neck, right shoulder, right eye, and spine. (*Id.*) Plaintiff  
17 claims Corizon continued to allow Plaintiff’s medications to run out or expire, or “just  
18 not get delivered.”

19 Plaintiff claims Defendant Ryan is responsible for inmate healthcare and  
20 contracted with Corizon to provide healthcare to inmates. Plaintiff further alleges that  
21 Defendant Ryan “ha[s] a written order to Corizon never to allow Plaintiff’s meds to  
22 expire or not be delivered over a year ago during the last stage of Plaintiff’s grievance  
23 process but never followed up to make sure they did so.” (*Id.*) Plaintiff claims  
24 Defendant Ryan “has an obligation to properly oversee inmates (Plaintiff’s) healthcare  
25 and once aware of a problem to correct that problem regarding Plaintiff’s serious needs  
26

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27  
28 <sup>1</sup> The citation refers to the document and page number generated by the Court’s  
Case Management/Electronic Case Filing system.

1 for medical care.” (*Id.* at 6.) Plaintiff claims Defendant Ryan has repeatedly failed to  
2 correct the problem.

3 In Count Two, Plaintiff claims Defendant Malachinski violated his Eighth  
4 Amendment rights when he “repeatedly refused to provide the appropriate healthcare  
5 ordered by Plaintiff’s neurologist specialist . . . to only provide Plaintiff 2700mg of  
6 Gabapentin per day and 1000 mg of Kepra per day to control Plaintiff’s epilepsy.” (*Id.* at  
7 7.) Plaintiff alleges that no other medication works to control his seizures. Plaintiff  
8 further claims that the specialist ordered Corizon and ADC to “never allow the Plaintiff  
9 to go without those seizure medications or it will cause debilitating side effects,  
10 withdrawal seizures, and cause Plaintiff’s seizures to increase.” (*Id.*) Plaintiff alleges  
11 that he wrote to Defendant Malachinski “days prior to his meds expiring on 12-9-15  
12 begging Doctor Malachinski to hurry and re-order them so Plaintiff doesn’t have to again  
13 go without and suffer these brutal seizure episodes,” but that Defendant Malachinski  
14 “refused to re-order the medications and as a direct result the Plaintiff suffered a massive  
15 seizure episode on 12-15-15.” (*Id.*) Plaintiff further claims that instead of ordering the  
16 medications that work for Plaintiff, Defendant Malachinski “has decided to go off on his  
17 own journey to see if maybe he can find another combination of drugs that may work.”  
18 (*Id.* at 9.) Plaintiff claims he has tried two different drug or dosage combinations and  
19 both resulted in severe side effects for which he was not immediately treated. Plaintiff  
20 claims he described his side effects to Defendant Malachinski, which included a swollen  
21 tongue, trouble breathing, tightness in his chest, confusion, hostility, and violent  
22 outbursts, and Defendant Malachinski told him to “just deal with it.” (*Id.*)

23 Plaintiff also claims he suffers seizures “because Corizon, DOC, and Charles Ryan  
24 along with Doctor Malachinski refuse to provide the treatment that works.” Plaintiff  
25 alleges “Corizon Health Services Inc. has repeated shown to this court that they are  
26 [i]ncapable of providing adequate proper health care to the Plaintiff over the time they  
27 have had the Arizona Department of Corrections Contract.” (*Id.* at 10.)

28 . . . .

1 In Count Three, Plaintiff alleges Defendant Corizon CEO (Doe #1) violated his  
2 Eighth Amendment rights by providing Plaintiff with inadequate healthcare. Plaintiff  
3 claims “Corizon has had orders from Charles Ryan to get Plaintiff’s healthcare in order,  
4 they have had orders from Plaintiff’s neurologist specialist doctor requiring to never stop  
5 Plaintiff’s seizure meds or reduce dosages.” (*Id.* at 11.) Plaintiff claims “Corizon CEO  
6 has repeatedly stopped the meds altogether or tried numerous times to reduce the dosage  
7 simply because Plaintiff’s meds were ordered by the specialist 3 times per day and  
8 Corizon only wants to deliver meds twice per day to save money.” (*Id.*)

9 In Count Four, Plaintiff claims Defendant Johnson denied Plaintiff’s emergency  
10 grievance regarding the lack of epilepsy medication and stated that “this is not an  
11 emergency, proceed with regular grievance procedures.” Plaintiff claims this caused him  
12 to suffer for three months without medications. Plaintiff alleges Defendant Johnson  
13 “refused to provide adequate medical care contrary to physician specialist written orders  
14 in violation of the Eighth Amendment, causing serious physical injury to the Plaintiff and  
15 extended pain and suffering.” (*Id.* at 12.)

16 In Count Five, Plaintiff claims Defendant McKamey violated his Eighth  
17 Amendment rights when she refused to properly re-test an ongoing staph infection on  
18 Plaintiff’s penis. Plaintiff claims intravenous antibiotics were recommended, but denied  
19 “by Corizon director.” (*Id.* at 14.) Plaintiff claims he was instead “given 10 days of  
20 intermuscular injections [that were] extremely painful.” (*Id.*) Plaintiff alleges that the  
21 antibiotics did not work and that he “has been begging for further testing and treatment  
22 since but has been refused proper follow-up treatment for this very serious infection . . .  
23 for over 1 year now.” (*Id.*)

24 In Count Six, Plaintiff alleges his Eighth Amendment rights were violated when  
25 Defendant Malachinski failed to properly treat staph infections on Plaintiff’s penis and  
26 back. Plaintiff claims Defendant Malachinski “refused to do a proper culture swab test to  
27 determine the proper course of antibiotics for the infections instead Doctor Malachinski  
28 just ordered Keflex for 2 weeks which didn’t do anything to stop the infections.” (*Id.* at

1 15.) Plaintiff contends Defendant Malachinski is deliberately indifferent “to Plaintiff’s  
2 severe sta[ph] infections and refusal to do proper follow-up.” (*Id.*) Plaintiff claims this  
3 has caused him severe pain and the infection to worsen.

4 In Count Seven, Plaintiff alleges Defendant McKamey violated his Eighth  
5 Amendment rights when, in September 2014, she failed “to provide medications without  
6 stopping contrary to physician neurologist specialist direct written orders for treatment of  
7 Plaintiff, causing Plaintiff to suffer grand mal seizure in the shower at SMU-1 after going  
8 without his seizure medication.” (*Id.* at 17.)

9 In Count Eight, Plaintiff claims Defendant Johnson violated his Eighth  
10 Amendment rights by “failing to provide emergency relief when Plaintiff filed an  
11 emergency grievance to her on 1-29-16.” (*Id.* at 18.) Plaintiff’s grievance concerned his  
12 staph infection and Defendant Johnson told him the issue was not an emergency.

#### 13 **IV. Failure to State a Claim**

##### 14 **A. Defendant Ryan**

15 To state a § 1983 medical claim against Defendant Ryan in his individual capacity,  
16 Plaintiff must show (1) a “serious medical need” by demonstrating that failure to treat the  
17 condition could result in further significant injury or the unnecessary and wanton  
18 infliction of pain and (2) that Defendant Ryan’s response was deliberately indifferent.  
19 *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006).

20 “Deliberate indifference is a high legal standard.” *Toguchi v. Chung*, 391 F.3d  
21 1051, 1060 (9th Cir. 2004). To act with deliberate indifference, a prison official must  
22 both know of and disregard an excessive risk to inmate health; “the official must both be  
23 aware of facts from which the inference could be drawn that a substantial risk of serious  
24 harm exists, and he must also draw the inference.” *Farmer v. Brennan*, 511 U.S. 825,  
25 837 (1994). Deliberate indifference in the medical context may be shown by a  
26 purposeful act or failure to respond to a prisoner’s pain or possible medical need and  
27 harm caused by the indifference. *Jett*, 439 F.3d at 1096. Deliberate indifference may  
28 also be shown when a prison official intentionally denies, delays, or interferes with

1 medical treatment or by the way prison doctors respond to the prisoner's medical needs.  
2 *Estelle*, 429 U.S. at 104-05; *Jett*, 439 F.3d at 1096.

3 Deliberate indifference is a higher standard than negligence or lack of ordinary  
4 due care for the prisoner's safety. *Farmer*, 511 U.S. at 835. "Neither negligence nor  
5 gross negligence will constitute deliberate indifference." *Clement v. California Dep't of*  
6 *Corr.*, 220 F. Supp. 2d 1098, 1105 (N.D. Cal. 2002); *see also Broughton v. Cutter Labs.*,  
7 622 F.2d 458, 460 (9th Cir. 1980) (mere claims of "indifference," "negligence," or  
8 "medical malpractice" do not support a claim under § 1983). "A difference of opinion  
9 does not amount to deliberate indifference to [a plaintiff's] serious medical needs."  
10 *Sanchez v. Vild*, 891 F.2d 240, 242 (9th Cir. 1989). A mere delay in medical care,  
11 without more, is insufficient to state a claim against prison officials for deliberate  
12 indifference. *See Shapley v. Nevada Bd. of State Prison Comm'rs*, 766 F.2d 404, 407  
13 (9th Cir. 1985). The indifference must be substantial. The action must rise to a level of  
14 "unnecessary and wanton infliction of pain." *Estelle*, 429 U.S. at 105.

15 Plaintiff has not alleged facts in Counts One or Two demonstrating that Defendant  
16 Ryan was deliberately indifferent to his serious medical needs. To the contrary, Plaintiff  
17 alleges in Count One that as a result of Plaintiff's medical grievances, Defendant Ryan  
18 issued a written order to Corizon requiring it to provide a continuous supply of  
19 medication to Plaintiff. Although Plaintiff claims Defendant Ryan failed to follow-up on  
20 the order, this allegation demonstrates, at best, that Defendant Ryan was negligent in  
21 failing to follow up on the order.

22 In Count Two, Plaintiff states generally that Defendant Ryan "refused to provide  
23 the treatment that works" (Doc. 1 at 10), but makes no further allegations regarding  
24 Defendant Ryan. Accordingly, it is unclear whether Plaintiff brought the issue of the  
25 new or alternate medications to Defendant Ryan's attention and when or what action, if  
26 any, Defendant Ryan took in response. Plaintiff has therefore failed to state a claim  
27 against Ryan in his individual capacity.

28 . . . .

1 To the extent Plaintiff sues Defendant Ryan in his official capacity, an official  
2 capacity claim requires a showing that “the entity itself is a moving force behind the  
3 deprivation.” *Kentucky v. Graham*, 473 U.S. 159, 166 (1985). Therefore, the policy or  
4 custom of the agency must have played a part in the violation. *Graham*, 473 U.S. at 166.

5 Plaintiff has not alleged that Defendant Ryan or the Arizona Department of  
6 Corrections implemented policies or practices that resulted in Plaintiff’s injuries.  
7 Accordingly, Plaintiff has failed to state an official capacity claim against Defendant  
8 Ryan. The Court will dismiss without prejudice Defendant Ryan.

9 **B. Corizon CEO-Individual Capacity**

10 In Count Three, Plaintiff alleges Defendant Corizon CEO has failed to provide  
11 Plaintiff with adequate health care. As noted above, to state a medical claim against an a  
12 defendant in his or her individual capacity, Plaintiff must allege facts showing the  
13 individual was deliberately indifferent to Plaintiff’s serious medical needs. Plaintiff has  
14 not alleged facts demonstrating the Corizon CEO was actually, personally aware of  
15 Plaintiff’s serious medical needs, but failed to respond. Plaintiff has therefore failed to  
16 state an individual capacity claim against Defendant Corizon CEO.

17 **V. Claims for Which an Answer Will be Required**

18 Liberally construed, Plaintiff has adequately stated Eighth Amendment medical  
19 claims against: Defendant Corizon CEO (official capacity) in Counts One, Two, Three,  
20 Five; Defendant Malachinski in Counts Two and Six; Defendant Johnson in Counts Four  
21 and Eight; and Defendant McKamey in Counts Five and Seven.

22 The Court will require Defendants Corizon CEO, Malachinski, Johnson, and  
23 McKamey to answer these claims, respectively.

24 **VI. Motion for TRO and Preliminary Injunction**

25 In his Motion for TRO and Preliminary Injunction, Plaintiff he seeks an order  
26 requiring Defendants to: comply with the neurologist’s instructions that Plaintiff receive  
27 2700mg Gabapentin and 1000mg Kepra per day; allow Plaintiff to receive medical  
28

1 treatment at a hospital; and move Plaintiff to a maximum custody single man cell until  
2 this case is resolved.

3 Temporary restraining orders are governed by Rule 65(b) of the Federal Rules of  
4 Civil Procedure. The mailing certificate on Plaintiff's motion for a temporary restraining  
5 order does not indicate that the motion was served on Defendants. As a result, Plaintiff  
6 appears to seek a temporary restraining order without notice under Rule 65(b) of the  
7 Federal Rules of Civil Procedure. The Court may *not* grant a temporary restraining order  
8 without notice unless the applicant certifies to the court in writing the efforts, if any,  
9 which have been made to give notice and the reasons that notice should not be required.  
10 Fed. R. Civ. P. 65(b). Plaintiff has not satisfied this requirement. No reason has been  
11 offered by Plaintiff to forgo notice to the adverse party. Accordingly, Plaintiff's motion  
12 for temporary restraining without notice will be denied.

13 The Court will require Defendants to file a response to Plaintiff's request for a  
14 preliminary injunction.

15 **VII. Warnings**

16 **A. Release**

17 If Plaintiff is released while this case remains pending, and the filing fee has not  
18 been paid in full, Plaintiff must, within 30 days of his release, either (1) notify the Court  
19 that he intends to pay the unpaid balance of his filing fee within 120 days of his release or  
20 (2) file a *non-prisoner* application to proceed in forma pauperis. Failure to comply may  
21 result in dismissal of this action.

22 **B. Address Changes**

23 Plaintiff must file and serve a notice of a change of address in accordance with  
24 Rule 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion  
25 for other relief with a notice of change of address. Failure to comply may result in  
26 dismissal of this action.

27 . . . .

28 . . . .

1           **C. Copies**

2           Because Plaintiff is currently confined in an Arizona Department of Corrections  
3 unit subject to General Order 14-17, Plaintiff is not required to serve Defendants with a  
4 copy of every document he files or to submit an additional copy of every filing for use by  
5 the Court, as would ordinarily be required by Federal Rule of Civil Procedure 5 and  
6 Local Rule of Civil Procedure 5.4.

7           **If** Plaintiff is transferred to a unit other than one subject to General Order 14-17,  
8 he will be required to: (a) serve Defendants, or counsel if an appearance has been entered,  
9 a copy of every document that he files, and include a certificate stating that a copy of the  
10 filing was served; and (b) submit an additional copy of every filing for use by the Court.  
11 *See* Fed. R. Civ. P. 5(a) and (d); LRCiv 5.4. Failure to comply may result in the filing  
12 being stricken without further notice to Plaintiff.

13           **D. Possible Dismissal**

14           If Plaintiff fails to timely comply with every provision of this Order, including  
15 these warnings, the Court may dismiss this action without further notice. *See Ferdik v.*  
16 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action  
17 for failure to comply with any order of the Court).

18           **IT IS ORDERED:**

19           (1) Plaintiff's Application to Proceed In Forma Pauperis (Doc. 2) is **granted**.

20           (2) As required by the accompanying Order to the appropriate government  
21 agency, Plaintiff must pay the \$350.00 filing fee and is assessed an initial partial filing  
22 fee of \$43.04.

23           (3) Defendant Ryan is **dismissed** without prejudice.

24           (4) Defendants Malachinski, Corizon CEO, Johnson, and McKamey must  
25 answer the Complaint as described in section V, above.

26           (5) Plaintiff's Motion Requesting Emergency TRO and Emergency  
27 Injunction (Doc. 4) is **denied in part** as to his request for a temporary restraining order.  
28 The Court **will not rule at this time** on Plaintiff's request for a preliminary injunction.

1 (6) Defendants **must respond** to the portion of Plaintiff's Motion Requesting  
2 Emergency TRO and Emergency Injunction seeking a preliminary injunction, within **21**  
3 **days** from the date of service.

4 (7) The Clerk of Court must send Plaintiff this Order, and a copy of the  
5 Marshal's Process Receipt & Return form (USM-285) and Notice of Lawsuit & Request  
6 for Waiver of Service of Summons form for Defendants Malachinski, Corizon CEO,  
7 Johnson, and McKamey.

8 (8) Plaintiff must complete<sup>2</sup> and return the service packet to the Clerk of Court  
9 within 21 days of the date of filing of this Order. The United States Marshal will not  
10 provide service of process if Plaintiff fails to comply with this Order.

11 (9) If Plaintiff does not either obtain a waiver of service of the summons or  
12 complete service of the Summons and Complaint on a Defendant within 90 days of the  
13 filing of the Complaint or within 60 days of the filing of this Order, whichever is later,  
14 the action may be dismissed as to each Defendant not served. Fed. R. Civ. P. 4(m);  
15 LRCiv 16.2(b)(2)(B)(ii).

16 (10) The United States Marshal must retain the Summons, a copy of the  
17 Complaint, a copy of the Motion for Preliminary Injunction, a copy of the Declaration,  
18 and a copy of this Order for future use.

19 (11) The United States Marshal must notify Defendants of the commencement  
20 of this action and request waiver of service of the summons pursuant to Rule 4(d) of the  
21 Federal Rules of Civil Procedure. The notice to Defendants must include a copy of this  
22 Order. **The Marshal must immediately file signed waivers of service of the**  
23 **summons. If a waiver of service of summons is returned as undeliverable or is not**  
24 **returned by a Defendant within 30 days from the date the request for waiver was**  
25 **sent by the Marshal, the Marshal must:**

26 \_\_\_\_\_  
27 <sup>2</sup> If a Defendant is an officer or employee of the Arizona Department of  
28 Corrections, Plaintiff must list the address of the specific institution where the officer or  
employee works. Service cannot be effected on an officer or employee at the Central  
Office of the Arizona Department of Corrections unless the officer or employee works  
there.

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(a) personally serve copies of the Summons, Complaint, Motion for Preliminary Injunction, Declaration, and this Order upon Defendant pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure; and

(b) within 10 days after personal service is effected, file the return of service for Defendant, along with evidence of the attempt to secure a waiver of service of the summons and of the costs subsequently incurred in effecting service upon Defendant. The costs of service must be enumerated on the return of service form (USM-285) and must include the costs incurred by the Marshal for photocopying additional copies of the Summons, Complaint, Motion for Preliminary Injunction, Declaration, or this Order and for preparing new process receipt and return forms (USM-285), if required. Costs of service will be taxed against the personally served Defendant pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure, unless otherwise ordered by the Court.

**(12) A Defendant who agrees to waive service of the Summons and Complaint must return the signed waiver forms to the United States Marshal, not the Plaintiff.**

(13) Defendants must answer the Complaint or otherwise respond by appropriate motion within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

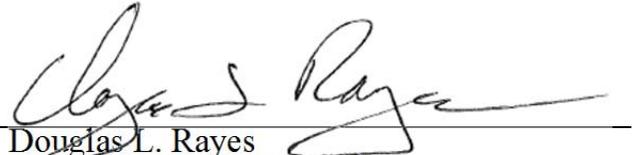
(14) Any answer or response must state the specific Defendant by name on whose behalf it is filed. The Court may strike any answer, response, or other motion or paper that does not identify the specific Defendant by name on whose behalf it is filed.

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(15) This matter is referred to Magistrate Judge Eileen S. Willett pursuant to Rules 72.1 and 72.2 of the Local Rules of Civil Procedure for all pretrial proceedings as authorized under 28 U.S.C. § 636(b)(1).

Dated this 29th day of February, 2016.

  
\_\_\_\_\_  
Douglas L. Rayes  
United States District Judge