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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JIMMY MCDONALD,

Plaintiff,

v.

J. A. YATES, et al.,

Defendants.

CASE NO. 1:09-cv-00730-OWW-SKO PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION FOR TRANSFER TO MEDICAL
FACILITY FOR LACK OF JURISDICTION

(Docs. 25 and 30)

ORDER DIRECTING CLERK'S OFFICE TO
COURTESY SERVE RECEIVER'S OFFICE
WITH THIS ORDER AND DOCUMENTS 25
AND 30, AND REQUESTING THAT
RECEIVER'S OFFICE REVIEW PLAINTIFF'S
ALLEGATIONS

Plaintiff Jimmy McDonald, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 24, 2009. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 11, 2011, the Magistrate Judge recommended that Plaintiff's motion seeking an order requiring prison officials to transfer him to a medical facility be denied for lack of jurisdiction. In light of the seriousness of Plaintiff's allegations, the Magistrate Judge informed Plaintiff that if he would like the Court to send a copy of his motion to the Receiver's Office and request that it look into the allegation that Plaintiff's medical needs are not being met, the Court would do so.¹ On

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¹ The Magistrate Judge informed Plaintiff that the Court's action would be limited to requesting that the Receiver's Office look into Plaintiff's allegations.

1 August 1, 2011, Plaintiff filed objections to the recommendation and stated that he would like the
2 Receiver's Office to be notified of the situation.

3 In his objections, Plaintiff requested an extension of time, apparently to file another objection
4 once he receives a response to his inmate appeal. The request is denied. Plaintiff has not shown
5 good cause for a further extension of time. The response to his inmate appeal is not relevant to
6 denial of his motion. The Court lacks jurisdiction to issue the order sought and a pending response
7 from prison officials has no bearing on this jurisdictional issue.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de
9 novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and
10 Recommendations to be supported by the record and by proper analysis. Accordingly, IT IS
11 HEREBY ORDERED that:

- 12 1. The Court adopts the Findings and Recommendations filed on July 11, 2011, in full;
- 13 2. Plaintiff's motion for an order directing that he be transferred to a medical facility is
14 DENIED for lack of jurisdiction;
- 15 3. In light of the seriousness of Plaintiff's allegations and his request for such
16 notification, the Clerk of the Court is DIRECTED to serve a courtesy copy of this
17 order and court record documents 25 and 30 on J. Clark Kelso, Receiver, California
18 Prison Health Care Receivership; and
- 19 4. The Receiver is REQUESTED to look into Plaintiff's allegation that his current
20 medical needs are very serious and are not being treated properly by prison officials.

21
22 IT IS SO ORDERED.

23 **Dated:** August 11, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE