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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 BRIAN CAPUTO,

11 Plaintiff,

12 v.

13 KERN COUNTY SHERIFF'S OFFICE,

14 Defendant.

1:15-cv-01008-EPG (PC)

ORDER REQUIRING PLAINTIFF TO
PROVIDE ADDITIONAL INFORMATION
REGARDING HIS MOTION FOR RELIEF
OF MEDICAL NEGLIGENCE, MEDICAL
NEGLIGENCE, AND MEDICAL ABUSE

(ECF NO. 8)

SEVEN-DAY DEADLINE

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17 **I. BACKGROUND**

18 Brian Caputo ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis* in this
19 civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed a First Amended
20 Complaint on September 19, 2016. The First Amended Complaint has not yet been screened.

21 On September 19, 2016, Plaintiff also filed a Motion for Relief of Medical Neglect,
22 Medical Negligence, and Medical Abuse ("the Motion"). (ECF No. 8). Without ruling on the
23 merits of Plaintiff's motion, the Court requests additional information from Plaintiff to assist
24 the Court's consideration.

25 **II. PLAINTIFF'S MOTION**

26 Plaintiff is presently incarcerated at the Kern County Jail in Bakersfield, California.
27 According to Plaintiff, he had to be rushed to the Kern Medical Center on July 7, 2016.
28 Plaintiff was told by the neurologist that "the veins/blood vessals [sic] in my brain flaired [sic]

1 up three times their normal size, and to follow up within one week.” However, Plaintiff’s next
2 appointment was scheduled for November of 2016. Plaintiff has allegedly not been getting any
3 form of medical treatment, and his medical needs have been neglected.

4 **III. ANALYSIS**

5 It is the Court’s understanding that when a pre-trial detainee awaiting trial is
6 complaining of inadequate medical care, the first step is often that his or her attorney contacts
7 the prison/jail to inquire about the matter. The Court notes that Plaintiff has an attorney (Eric
8 A. Chase) representing him in his criminal case. (Case No. 1:14-cr-00041-LJO-SKO).
9 Plaintiff did not state in his Motion whether he went through this procedure before filing the
10 Motion, and what if any response was received. The Court requests this information for a
11 better understanding of Plaintiff’s situation and the need for Court intervention, especially
12 considering that Plaintiff does not have a complaint with this Court that has passed the
13 screening stage.

14 **IV. CONCLUSION**

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

- 16 1. Within seven days from the date of this order, Plaintiff shall notify the Court,
17 in writing, what efforts if any have been made by Plaintiff and Plaintiff’s
18 counsel to secure appropriate medical care and what response, if any, Plaintiff
19 and his counsel have received.
- 20 2. Failure to comply with this order may lead to the Motion being denied on that
21 ground.

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23 IT IS SO ORDERED.

24 Dated: September 22, 2016

25 /s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE
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