

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID ESTRADA,
Plaintiff,
v.
TERESA MACIS, et al.,
Defendants.) Case No.: 1:15-cv-01292-AWI-SAB (PC)
)
) ORDER DENYING PLAINTIFF'S MOTION FOR
) PHYSICAL AND MENTAL EXAMINATION
)
) [ECF No. 47]
)
)
)

Plaintiff David Estrada is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 11, 2016, Plaintiff filed a motion for court ordered physical and mental examination. Plaintiff's motion must be denied.

Rule 35 of the Federal Rules of Civil Procedure allows a court, on a motion for good cause, to order a mental examination by a suitably licensed or certified examiner of a party whose mental condition is “in controversy.” Fed. R. Civ. P. 35(a); Schlagenhauf v. Holder, 379 U.S. 104, 118 (1964). The requirements “are not met by mere conclusory allegations of the pleadings—nor by mere relevance of the case—but require an affirmative showing by the movant that each condition as to which the examination is sought is really and genuinely in controversy and that good cause exists for ordering each particular examination.” Schlagenhauf, 379 U.S. at 118.

1 Here, Plaintiff seeks an order for his own examination. However, Rule 35 allows a movant to
2 request examination of an opposing party whose mental or physical condition is in controversy, not for
3 a party to request his own examination to support his claims. Accordingly, Plaintiff's request for an
4 examination to assisting in presenting his claims shall be denied.

5
6 IT IS SO ORDERED.

7 Dated: July 12, 2016



UNITED STATES MAGISTRATE JUDGE