

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARMSTER HAMPTON,

Plaintiff,

No. 2:06-cv-0966 JAM KJN P

vs.

P. SAHOTA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the undersigned is defendants’ summary judgment motion. Dkt. No. 45. For the following reasons, defendants are ordered to file further briefing.

This action is proceeding on the second amended complaint filed October 20, 2008, as to defendants Cardeno, Dazo and Lee. Dkt. No. 37-2. Plaintiff seeks monetary damages and injunctive relief.

Defendants’ summary judgment motion addresses all of plaintiff’s claims against defendants Dazo and Lee. However, defendants do not address all claims against defendant Cardeno.


Defendants’ motion addresses plaintiff’s claim that defendant Cardeno failed to provide adequate oncological treatment. However, defendants’ motion does not address the

1 following additional claims against defendant Cardeno: (1) defendant failed to ensure that
2 plaintiff's blood work was sent to Dr. Rubin at the U.C. Davis Medical Center, Dkt. No. 37-2,
3 pp. 13-14; (2) defendant's failure to ensure that plaintiff had a consistent primary care physician
4 resulted in violations of plaintiff's right to adequate medical care, Dkt. No. 37-2, pp. 14-15;
5 (3) defendant failed to ensure that plaintiff receive a low iodine diet, Dkt. No. 37-2, pp. 17-19,
6 22-24; (4) defendant caused plaintiff to be housed in unconstitutional conditions in the
7 Outpatient Housing Unit (OHU) and was motivated by retaliation, Dkt. No. 37-2, pp. 24-26; and
8 (5) defendant was responsible for plaintiff's placement in a cell infested with bed bugs, Dkt. No.
9 37-2, pp. 19-21.

10 Defendants' summary judgment motion also does not address plaintiff's claim for
11 injunctive relief.

12 It is unclear whether defendants' failure to address the claims set forth above was
13 intentional or an oversight. Accordingly, IT IS HEREBY ORDERED that within twenty-one
14 days of the date of this order, defendants shall file either a statement that they intend to stand on
15 the pending summary judgment motion or a supplemental summary judgment motion addressing
16 the claims discussed above.

17 DATED: June 2, 2010

18
19
20 
21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE

23 hamp966.fb
24
25
26