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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MADY CHAN,

No. 2:09-cv-02006-MCE-GGH

12 Plaintiff,

13 v.

MEMORANDUM AND ORDER

14 COUNTY OF SACRAMENTO, et al.,

15 Defendants.
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18 Plaintiff, a state prisoner proceeding pro se, has filed
19 this civil rights action seeking relief under 42 U.S.C. § 1983.
20 The matter was referred to a United States Magistrate Judge
21 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On July 5, 2011, the magistrate judge filed findings and
23 recommendations herein which were served on all parties and which
24 contained notice to all parties that any objections to the
25 findings and recommendations were to be filed within fourteen
26 days. Defendants have filed objections to the findings and
27 recommendations.

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1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de
3 novo review of this case. Having carefully reviewed the entire
4 file, the Court finds oral argument is necessary to reach a
5 decision on Plaintiff's Motion for Temporary Restraining Order
6 and Preliminary Injunction ("Motion") (ECF No. 56). Hearing on
7 this matter is hereby set before this Court at **2:00 p.m.** on
8 Thursday, **November 3, 2011**, in Courtroom 7. Not later than
9 Thursday, **October 20, 2011**, the parties are to submit
10 simultaneous supplemental briefing, not to exceed fifteen (15)
11 pages, on the following issues:

- 12 1. The relevance of the Kaiser Consent Decree to
13 Plaintiff's claims and to his instant Motion;
- 14 2. Whether the Sacramento County Main Jail is generally
15 required by the Eighth Amendment or the Kaiser Consent
16 Decree to provide inmates (short-term or long-term)
17 with root canal therapy;
- 18 3. Whether, under the specific circumstances of
19 Plaintiff's case, the Sacramento County Main Jail is
20 required by the Eighth Amendment or the Kaiser Consent
21 Decree to provide Plaintiff with root canal therapy;
- 22 4. The cause of Plaintiff's injuries (i.e., whether the
23 use of temporary fillings, the failure to provide root
24 canal therapy followed by permanent fillings or some
25 other factor caused Plaintiff's injuries); and

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5. Whether root canal therapy followed by permanent fillings could have saved Plaintiff's teeth at the time of initial treatment or could still save his teeth now.

IT IS SO ORDERED.

Dated: October 6, 2011

Nolan Bushnell

MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE