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

JOSEPH B. MATTHEWS

Plaintiff,

No. CIV S-09-2415 GEB GGH P

vs.

LAHEY, et al.,

ORDER

Defendants.

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Pursuant to this court’s Order and Findings and Recommendations filed November 17, 2009, and this court’s Order filed December 3, 2009, defendants have filed a response to this court’s inquiries concerning plaintiff’s motion for preliminary injunction, specifically, whether plaintiff has been provided an exercise resistance band, and whether a clavicle brace would be beneficial to plaintiff at this stage of his recovery.

Chief Medical Officer of California State Prison – Solano, A. Traquina, M.D., has filed a declaration, dated December 11, 2009, stating that plaintiff received the exercise resistance band on November 6, 2009, but that use of a clavicle brace is contraindicated. Dr. Traquina stated that he has reviewed plaintiff’s medical chart and recently spoken with plaintiff’s physical therapist. Dr. Traquina concludes:

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1 Mr. Matthews would not benefit from a clavicle brace at this point in his recovery  
2 and rehabilitation. Mr. Matthews has improved his strength and range of motion  
3 through the exercises provided by the physiotherapist, and a clavicle brace at this  
point in his recovery would be contraindicated as it would impede Mr. Matthews'  
range of motion, and interfere with his physical therapy.

4 Docket 23-2, ¶ 3.

5 This court's Order and Findings and Recommendations filed November 17, 2009,  
6 recommended that plaintiff's motion for preliminary injunction be granted in part and denied in  
7 part, "pending further receipt" of the information described above. This information is consistent  
8 with the original recommendation of this court, which awaits adoption by the district judge. No  
9 further preliminary relief is warranted at this time.

10 DATED: December 22, 2009

/s/ Gregory G. Hollows

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12 GREGORY G. HOLLOWES  
13 UNITED STATES MAGISTRATE JUDGE  
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