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

CLINTON WAGNER,

Plaintiff,

No. 2: 09-cv-3166 KJM KJN P

vs.

MOSS POSNER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that he received inadequate medical care for the treatment of hepatitis B. Pending before the court is defendants’ summary judgment motion.

Attached to plaintiff’s opposition are unauthenticated medical record showing that in December 2005 a “hepatitis prof” test was ordered for him. (Dkt. No. 104, part 1 at 34 of 68.) Plaintiff has not provided the results of this test.


Based on plaintiff’s submission of the record showing that a “hepatitis prof” test was ordered in 2005, it is not clear whether he is claiming that defendants had notice that he had hepatitis and failed to provide treatment. Accordingly, plaintiff is granted thirty days to provide a *short* brief addressing whether he is claiming that his prison medical records contained evidence that he had hepatitis at the time he received treatment from defendants. Plaintiff is also directed

1 to file the report showing the results of the “hepatitis prof” test. The report may be in plaintiff’s
2 prison medical records. Plaintiff may also be able to obtain a copy of the report from Mercy
3 Hospital in Bakersfield, California, where the report was ordered. Plaintiff shall authenticate the
4 report showing the results of the test. If plaintiff is unable to authenticate the report, he shall
5 submit it to the court nevertheless. In his further briefing, plaintiff shall inform the court from
6 where he obtained the test results.

7 The court will notify defendants if further briefing is required following its review
8 of plaintiff’s further briefing.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted thirty days from
10 the date of this order to file the further briefing discussed above and the report showing the
11 results from his 2005 “hepatitis prof” test.

12 DATED: January 18, 2012

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

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