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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNARD DAVIS,
Plaintiff,
v.
JAMES WALKER, et al.,
Defendants.

No. 2:08-cv-0593 KJM SCR P

KENNARD DAVIS,
Plaintiff,
v.
JAMES WALKER, et al.,
Defendants.

No. 2:10-cv-2139 KJM SCR P

ORDER

Plaintiff, a state prisoner, proceeds with these civil rights actions under 42 U.S.C. § 1983.¹

¹ Plaintiff makes many of the same allegations regarding her medical care, among other things, in the two captioned cases and, with few exceptions, files the same documents in both cases. Therefore, the court has and will continue to issue identical orders in both cases. Unless otherwise noted, the electronic filing numbers in the text refer to the docket in the 2008 case.

1 Following a remand from the Ninth Circuit Court of Appeals, the magistrate judge previously
2 assigned to these cases appointed Dr. Gregory to render an expert opinion on plaintiff's present
3 competency to proceed while representing herself. ECF No. 352 at 2. Dr. Gregory was
4 appointed in order to assist the court in resolving plaintiff's pending motions to be reinstated to
5 competency, which have been fully briefed by the parties. See ECF Nos. 315, 317; ECF Nos.
6 385, 393 in Case No. 2:10-2139-KJM-SCR.

7 By order dated November 14, 2024, the undersigned directed CDCR to accommodate Dr.
8 Gregory's requests for specific conditions in order to evaluate plaintiff's competency. ECF No.
9 398. The same order required that assessment to be conducted within six weeks from the date of
10 the order, with a report to be completed within four weeks thereafter (i.e. January 23, 2025). ECF
11 No. 398 at 2. However, due to delays in obtaining clearance for Dr. Gregory at Salinas Valley
12 State Prison (SVSP), that mental health assessment is now scheduled for **January 22-23, 2025**.
13 As a result, the court will sua sponte extend the deadline for the submission of Dr. Gregory's
14 competency report to **February 24, 2025**.

15 In light of this delay and the length of time in which plaintiff's motions to be reinstated to
16 competency have been pending, the court admonishes all parties to cooperate fully with the orders
17 issued by this court. In the event that Dr. Gregory is denied access to SVSP on the scheduled
18 dates of the assessment, she is directed to notify the court immediately. Any failure by CDCR
19 staff to allow Dr. Gregory to enter into SVSP on January 22-23, 2025 with her court-ordered
20 testing equipment will result in an order to show cause as to why sanctions should not be
21 imposed. However, compliance with the court's November 14, 2024 order, as well as this order,
22 does not authorize CDCR to forcibly extract plaintiff from her cell in order to meet with Dr.
23 Gregory.

24 In the event that plaintiff does not cooperate with Dr. Gregory, such failure shall be
25 communicated to the court as part of the competency report. Plaintiff is specifically warned that
26 any failure to cooperate in the assessment by Dr. Gregory will result in a recommendation that
27 plaintiff's pending motions to be reinstated to competency be denied.

28 Upon receipt of Dr. Gregory's competency report, the undersigned will direct that it be

1 filed on the public docket unless it contains private or confidential information that is subject to
2 sealing pursuant to Local Rule 141. The undersigned will issue Findings and Recommendations
3 on plaintiff's motions to be reinstated to competency as soon thereafter as practicable.

4 Also pending before the court is plaintiff's motion for a non-confidential telephone call
5 with Dr. Gregory. ECF No. 476 in Case No. 2:10-2139-KJM-SCR. This motion is denied as
6 moot in light of the scheduled in-person competency evaluation.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The deadline for the submission of Dr. Gregory's competency report is sua sponte
9 extended to February 24, 2025.
- 10 2. Plaintiff's motions in Case Number 2:10-2139-KJM-SCR (ECF No. 476) is denied
11 as moot for the reason explained herein.
- 12 3. The Clerk of Court is directed to serve a copy of this order on Dr. Gregory at
13 amanda670@hotmail.com.
- 14 4. All parties to these proceedings as well as necessary CDCR staff are admonished
15 to cooperate fully with the orders issued by this court as indicated herein. Any failure to comply
16 with the terms of this order, or prior order of the court, may result in the issuance of an order to
17 show cause why sanctions should not be imposed.
- 18 5. An additional copy of this order shall be served on the Litigation Coordinator at
19 Salinas Valley State Prison via email at cdermcsplitigationcoordinator@cdcr.ca.gov.

20 DATED: January 6, 2025

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24 SEAN C. RIORDAN
25 UNITED STATES MAGISTRATE JUDGE
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