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

PHILLIP WATTS,

Plaintiff,

No. 2:12-cv-0010 CKD

vs.

D. HICKS, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, seeks relief pursuant to 42 U.S.C. § 1983. Pending before the court are plaintiff’s filing styled as a “motion to compel” (Dkt. No. 12) and his third request for an extension of time to file an amended complaint (Dkt. No. 13.)

Plaintiff’s original complaint alleged that on various occasions between October 12, 2012 and December 28, 2012, during institutional lockdowns at CSP-Solano, unnamed nurses failed to dispense his prescribed morphine and Gabapentin needed for pain relief and treatment of his diagnosed medical condition. On October 1, 2012, plaintiff’s original complaint was dismissed with leave to amend for failure to state a claim. The court found that plaintiff had not sufficiently alleged that any named defendant’s actions rose to the level of deliberate indifference under the Eighth Amendment.

1 In his filing styled as a motion to compel, plaintiff states that his attempts to  
2 obtain the names of the nurses who failed to dispense his medication have been unsuccessful  
3 because prison staff has been unresponsive to his requests for information. Plaintiff has attached  
4 an inmate appeal he filed in which he requested the names of the particular Licensed Vocational  
5 Nurses (LVNs) working on the days at issue; his appeal was denied with the explanation that the  
6 information is not readily available and the workload required to obtain the requested  
7 information cannot be justified as written. Plaintiff asks the court to compel the medical staff of  
8 Solano State Prison to give him the names of the LVNs referenced in his complaint. Plaintiff is  
9 advised that the court, having no jurisdiction over the Solano State Prison medical staff in this  
10 action, cannot compel same to do anything.

11 Plaintiff has also requested a third extension of time to file an amended complaint  
12 pursuant to the court's order of October 1, 2012. Plaintiff states that he needs the extra time to  
13 obtain the names of the LVN's involved. Good cause appearing, the request will be granted.

14 In accordance with the above, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff's document styled as a "motion to compel" (Dkt. No. 12) is DENIED;
- 16 2. Plaintiff's motion for an extension of time to file a first amended complaint (Docket No.  
17 13) is GRANTED; and
- 18 3. Plaintiff is granted 90 days from the date of this order in which to file and serve a first  
19 amended complaint.

20 Dated: February 11, 2013

21   
22 CAROLYN K. DELANEY  
23 UNITED STATES MAGISTRATE JUDGE