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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEXTER BROWN,  
  Plaintiff,  
  
                        v.  
  
SAHIR NASEER,  
  Defendant.

No. 2:14-cv-0225 WBS CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. His remaining claim concerns an instance of allegedly inadequate medical care by defendant Dr. Naseer. Defendant Dr. Naseer has not yet appeared in this action.

On August 27, 2014, plaintiff submitted a document to the court in which he requests “an evaluation by objective non-CDCR physicians.” There are two problems with this request. First, the basis of the claim which remains in this action is not plaintiff’s ongoing medical care; rather, the claim arises from a single instance of alleged inadequate care by defendant Dr. Naseer. To the extent plaintiff challenges ongoing care, he should initiate a separate lawsuit. Second, while the court has the power under the “All Writs Act” (28 U.S.C. § 1651)<sup>1</sup> to issue orders necessary for the prosecution of this matter by plaintiff, plaintiff fails to show that ordering an evaluation of

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<sup>1</sup> Under 28 U.S.C. § 1651, “. . . all courts established by an Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions . . .”

1 plaintiff's health by a non-California Department of Corrections and Rehabilitation physician is  
2 such an order.

3 For all of these reasons, IT IS HEREBY ORDERED that plaintiff's request that the court  
4 order California Department of Corrections and Rehabilitation officials to provide plaintiff with a  
5 medical examination by a physician not affiliated with the California Department of Corrections  
6 and Rehabilitation (ECF No. 20) is denied.

7 Dated: December 5, 2014



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9 CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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