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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALBERTO VILLESCLAS,
Plaintiff,
v.
RAFAEL MIRANDA, et al.,
Defendants.

No. 2:15-cv-1861 TLN KJN P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is a T12 paraplegic with chronic decubitus ulcers. (ECF No. 1 at 4; 11 at 23.) The instant action proceeds on plaintiff’s Eighth Amendment claims that defendants have intentionally denied, and interfered with plaintiff’s medical care by, *inter alia*, depriving him of his air mattress, Lumbar Sacral Orthosis (“LSO”), narcotic pain medications, and air mattress, despite prior medical orders from pain management specialists and neurosurgeons. Prior to his transfer to High Desert State Prison (“HDSP”) on August 29, 2013, plaintiff claims that he was “almost continuously prescribed” pain medication for his chronic and substantial pain, including Fentanyl patches, Vicodin, and Morphine. (ECF No. 1 at 4.) On August 29, 2013, plaintiff alleges that defendant Miranda “falsely documented ‘no medical need’ for Methadone and ‘not medically necessary’ for Lumbar Corset [LSO] without examining plaintiff or his medical records. (ECF No. 1 at 5-6.)

1 On October 8, 2015, plaintiff filed a motion for temporary restraining order and
2 preliminary injunction.¹ Plaintiff claims he continues to suffer severe pain because of the denial
3 of his lumbar orthosis and proper pain medications as well as not having his personal, custom-
4 fitted wheelchair. (ECF No. 11 at 3.) In addition, plaintiff contends that he was recently told that
5 because he “made all CTC custody and medical staff extremely mad [at him] for complaining,”
6 the yogurt and Boost supplements will be rescinded as not medically needed. (ECF No. 11 at 2.)
7 Plaintiff states he was told his custom wheelchair will not be returned because of “contract issues
8 and replacement parts being too expensive, as a result of plaintiff filing [a request for] an
9 accommodation.” (ECF No 11 at 2.) Plaintiff seeks return of his custom wheelchair, a
10 prescription and return of his LOS, examination by a pain management specialist and medications
11 or treatment as recommended, and immediate transfer to a facility in Los Angeles.


12 On October 9, 2015, the United States Marshal was directed to serve process on
13 defendants; therefore, no defendants have appeared in this action. Accordingly, the court directs
14 Supervising Deputy Attorney General Monica Anderson to address plaintiff’s motion for
15 injunctive relief.

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

17 1. Within fourteen days from the date of this order, Supervising Deputy Attorney General
18 Monica Anderson shall address plaintiff’s motion for injunctive relief; and

19 2. The Clerk of the Court is directed to serve this order and a copy of plaintiff’s October
20 8, 2015 motion (ECF No. 11) on Supervising Deputy Attorney General Monica Anderson.

21 Dated: October 9, 2015

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23 _____
24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE

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27 _____
28 ¹ Plaintiff includes claims concerning other inmates at HDSP. However, this action is not proceeding as a class action, but proceeds only on plaintiff’s personal allegations.