

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYDE HOLLIS HARRIS,
Plaintiff,
v.
S. FERNAN, et al.,
Defendants.

No. 2:17-cv-0680 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On March 30, 2017 plaintiff filed a complaint (ECF No. 1) and a motion for emergency injunctive relief (ECF No. 3.) For the reasons stated herein, Supervising Deputy Attorney General Monica Anderson is directed to file a response to plaintiff’s motion emergency injunctive relief.

Plaintiff alleges that in January 2014 he was transferred to California State Prison-Solano (“CSP-Solano”) as a “high risk medical transfer.” (ECF No. 3 at 16.) The “high risk” designation apparently referred to plaintiff’s medical problems, rather than custody status. Plaintiff alleges that he suffers from achalasia and a hiatal hernia. (Id.) As a result of these conditions, plaintiff has difficulty having even liquid bowel movements, and he suffers pain in the left side of his torso, neck and head. (Id.)

////

1 After two years of filing grievances, plaintiff was referred to Dr. Chamber, a surgeon.
2 (Id.) Dr. Chamber told plaintiff that he required thoracic surgery, and referred plaintiff to a
3 thoracic surgeon in January 2016. (Id.)

4 Before plaintiff received the consultation with the thoracic surgeon, plaintiff was
5 transferred to the La Palma Correctional Facility in Arizona in June 2016. (Id.) At the time of
6 the transfer, plaintiff's medical status had been lowered to medium risk, making him eligible for
7 out of state transfer to Arizona. (Id. at 16-17.)

8 After his transfer to Arizona, plaintiff went to the medical department about his achalasia
9 and hiatal hernia. (Id. at 16.) Plaintiff was sent to gastroenterologist Dr. Kazi. (Id.) Dr. Kazi
10 told plaintiff that he would require tests and a colonoscopy to rule out anything else before going
11 through thoracic surgery. (Id.) After plaintiff returned to the La Palma Correctional Facility
12 following his consultation with Dr. Kazi, the prison doctor (Dr. Crane) told plaintiff that plaintiff
13 was going to have to be sent back to California on a high risk medical return. (Id.) Dr. Crane
14 told plaintiff that the Arizona prison would continue to do the work up for the surgery because it
15 would take a while for the transfer back to California. (Id. at 17.) However, plaintiff would have
16 to wait for the colonoscopy until he returned to California. (Id.)

17 In October 2016, plaintiff was transferred back to CSP-Solano. (Id.) Plaintiff attempted
18 to have his medical issues addressed, but he was transferred to Old Folsom State Prison on
19 November 6, 2016. (Id.) At Old Folsom State Prison, plaintiff was told that CSP-Solano had put
20 him back at medium risk, but that he would be sent back to CSP-Solano due to a pre-surgery diet
21 that was not available to Old Folsom State Prison. (Id.)

22 Plaintiff returned to CSP-Solano on November 29, 2016.¹ (Id.) Plaintiff was approved for
23 a gastroenterologist visit in the first week of March 2017. (Id.) However, as of March 20, 2017,
24 plaintiff was not yet scheduled to see the gastroenterologist. (Id.)

25 Plaintiff alleges that on March 21, 2017, his counselor informed him that he was being
26 transferred out of state again because he was only medium risk. (Id.)

27 _____
28 ¹ In the motion, plaintiff inadvertently states that he returned to CSP-Solano on November 29,
2017. (Id.)

1 Plaintiff alleges that medical and custody departments are playing games and transferring
2 him around so that he cannot get his medical issues taken care of. (Id.) Plaintiff alleges that
3 “they” have given him “tons of laxatives” but his guts hardly work anymore. (Id.) Plaintiff
4 alleges that he does not think his guts will take another trip out of state and back. (Id.) Plaintiff
5 also alleges that he believes prison officials are retaliating against him for filing administrative
6 grievances by giving him “bus therapy.” (Id. at 18.)

7 Plaintiff requests that the court intervene and order prison officials not to transfer him so
8 that his medical issues can be take care of. (Id.)

9 The undersigned is concerned by plaintiff’s claims that his serious medical problems are
10 not being addressed due to repeated transfers. For this reason, Supervising Deputy Attorney
11 General Monica Anderson is directed to file a status report within seven days addressing: 1) the
12 status of plaintiff’s potential transfer away from CSP-Solano; 2) the status of plaintiff’s receipt of
13 the consultation with the gastroenterologist, including whether and when plaintiff will receive
14 surgery; 3) if plaintiff is to be transferred away from CSP-Solano, whether plaintiff can receive
15 surgery and proper medical care for his hernia and achalasia at the prison where he is to be
16 transferred; and 4) plaintiff’s claims of the repeated change in his classification from “medium
17 risk” to “high risk.”

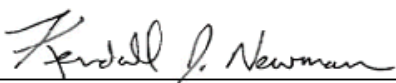
18 Accordingly, IT IS HEREBY ORDERED that:

19 1. The Clerk of the Court is directed to serve this order and plaintiff’s March 30, 2017
20 motion for injunctive relief (ECF No. 3) on Supervising Deputy Attorney General Monica
21 Anderson;

22 2. Supervising Deputy Attorney General Monica Anderson shall file the status report
23 discussed above within seven days of the date of this order.

24 Dated: April 5, 2017

25
26 Harr680.ord

27
28

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE