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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TEVIN LEE HARRIS,
Plaintiff,
v.
R. VALENCIA, et al.,
Defendants.

No. 2: 19-cv-1751 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. The only defendant in this action is R. Pleschuck, who is employed at California State Prison-Sacramento (“CSP-Sac”) as a “Ph.d.” Plaintiff alleges that defendant Pleschuck denied plaintiff adequate mental health care while plaintiff was housed in CSP-Sac A-2 PSU during 2018 in violation of the Eighth Amendment.

On April 14, 2020, the undersigned referred this action to the Post-Screening ADR Project and stayed this action for 120 days. This action is set for a settlement conference before Magistrate Judge Claire on August 25, 2020.

When plaintiff filed this action on June 26, 2019, he was housed at California State Prison-Corcoran (“Corcoran”). On August 29, 2019, plaintiff filed a notice of change of address stating that he had been transferred to the Los Angeles County Jail, where he is currently housed.

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1 On April 13, 2020, plaintiff filed a motion to compel prison officials at Corcoran or CSP-
2 Sac to provide him with copies of his medical and mental health records. Attached to the motion
3 to compel is a letter addressed to plaintiff dated August 1, 2019, stating that plaintiff's request for
4 copies of his mental health records was denied by the clinician.

5 On June 9, 2020, the undersigned ordered the Warden of Corcoran to file a response to
6 plaintiff's motion to compel alleging that his request for copies of his medical and mental health
7 records was denied.

8 On June 23, 2020, the Warden of Corcoran responded to plaintiff's motion to compel.
9 The Warden states that the Health Information Management Office will provide plaintiff with
10 copies of the medical records he requested upon his return to Corcoran. The Health Information
11 Management Office can also deliver those records to the institution where plaintiff is currently
12 housed, if he needs the records prior to his return to Corcoran.

13 Regarding plaintiff's request for mental health records, the Warden states that plaintiff's
14 mental health clinician denied the request for mental health records because of the potential harm
15 to plaintiff and to their therapeutic rapport. Plaintiff discussed the decision with his clinician on
16 August 9, 2019, and the clinician explained to him how it was not in his best interests to have
17 access to his therapy notes. Under the prison's mental health policies, plaintiff would need to
18 follow up with his mental health clinician to further discuss the reasons why his request was
19 denied. The Warden states that plaintiff's motion to compel does not indicate that plaintiff ever
20 had any such follow-up discussions with his mental health clinician about his records request.

21 Based on the Warden's response to plaintiff's motion to compel, the undersigned finds
22 that litigation of plaintiff's claim that he was denied access to his medical and mental health
23 records is better left until after the settlement conference, if appropriate. Accordingly, plaintiff's
24 motion to compel is denied without prejudice. However, defendant is directed to provide
25 plaintiff's medical and mental health records from the time during 2018 when defendant
26 Pleschuck allegedly denied plaintiff adequate mental health care to Magistrate Judge Claire for in
27 camera review. Defendant shall provide these records at the time they submit their confidential
28 settlement conference statement.

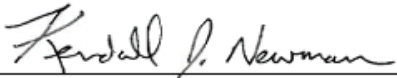
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to compel (ECF No. 32) is denied without prejudice;
2. Defendant shall provide plaintiff's relevant medical and mental health records, as discussed above, to Magistrate Judge Claire for in camera review at the time they submit their confidential settlement conference statement.

Dated: July 1, 2020

Harr1751.com


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE