

1 malicious, or fails to state a claim upon which relief may be
2 granted," or "seeks monetary relief from a defendant who is immune
3 from such relief." Id § 1915A(b). Pleadings filed by pro se
4 litigants, however, must be liberally construed. Hebbe v Pliler,
5 611 F3d 1202, 1205 (9th Cir 2010); Balistreri v Pacifica Police
6 Dep't, 901 F2d 696, 699 (9th Cir 1990).

7 To state a claim under 42 USC § 1983, a plaintiff must
8 allege two essential elements: (1) that a right secured by the
9 Constitution or laws of the United States was violated, and (2) that
10 the alleged violation was committed by a person acting under the
11 color of state law. West v Atkins, 487 US 42, 48 (1988).

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13 A

14 Deliberate indifference to serious medical needs violates
15 the Eighth Amendment's proscription against cruel and unusual
16 punishment. Estelle v Gamble, 429 US 97, 104 (1976). A "serious
17 medical need" exists if the failure to treat a prisoner's condition
18 could result in further significant injury or the "unnecessary and
19 wanton infliction of pain." McGuckin v Smith, 974 F2d 1050, 1059
20 (9th Cir 1992) (citing Estelle, 429 US at 104), overruled in part on
21 other grounds by WMX Technologies, Inc v Miller, 104 F3d 1133, 1136
22 (9th Cir 1997) (en banc). A prison official is "deliberately
23 indifferent" if he knows that a prisoner faces a substantial risk of
24 serious harm and disregards that risk by failing to take reasonable
25 steps to abate it. Farmer v Brennan, 511 US 825, 837 (1994).

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Here plaintiff alleges that CTF medical personnel were deliberately indifferent to his serious medical needs, including in their treatment of his certain medical conditions and their administration of certain medications. Liberally construed, plaintiff's allegations appear to state a cognizable Eighth Amendment claim for deliberate indifference to his serious medical needs and defendants will be served.

II

For the foregoing reasons and for good cause shown:

1. The clerk shall issue summons and the United States Marshal shall serve, without prepayment of fees, copies of the complaint in this matter, all attachments thereto, and copies of this order on defendants CTF staff physicians/surgeons Inderjit Grewal, Charles Lee, Quan Anh Dinh, M Sepulveda and John Carlisle, MD. The clerk also shall serve a copy of this order on plaintiff.
2. In order to expedite the resolution of this case, the court orders as follows:
 - a. No later than ninety (90) days from the date of this order, defendants shall file a motion for summary judgment or other dispositive motion. A motion for summary judgment shall be supported by adequate factual documentation and shall conform in all respects to Federal Rule of Civil Procedure 56, and shall include as exhibits all records and incident reports stemming from the events at issue. If defendants are of the opinion that this case cannot be resolved by summary judgment or other dispositive motion, they shall

1 so inform the court prior to the date their motion is due. All
2 papers filed with the court shall be served promptly on plaintiff.

3 b. Plaintiff's opposition to the dispositive motion
4 shall be filed with the court and served upon defendants no later
5 than thirty (30) days after defendants serve plaintiff with the
6 motion.

7 c. Plaintiff is advised that a motion for summary
8 judgment under Rule 56 of the Federal Rules of Civil Procedure will,
9 if granted, end your case. Rule 56 tells you what you must do in
10 order to oppose a motion for summary judgment. Generally, summary
11 judgment must be granted when there is no genuine issue of material
12 fact - that is, if there is no real dispute about any fact that
13 would affect the result of your case, the party who asked for
14 summary judgment is entitled to judgment as a matter of law, which
15 will end your case. When a party you are suing makes a motion for
16 summary judgment that is properly supported by declarations (or
17 other sworn testimony), you cannot simply rely on what your
18 complaint says. Instead, you must set out specific facts in
19 declarations, depositions, answers to interrogatories, or
20 authenticated documents, as provided in Rule 56(e), that contradicts
21 the facts shown in the defendants' declarations and documents and
22 show that there is a genuine issue of material fact for trial. If
23 you do not submit your own evidence in opposition, summary judgment,
24 if appropriate, may be entered against you. If summary judgment is
25 granted, your case will be dismissed and there will be no trial.
26 Rand v Rowland, 154 F3d 952, 962-63 (9th Cir 1998) (en banc) (App
27 A).

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1 Plaintiff also is advised that a motion to dismiss for
2 failure to exhaust administrative remedies under 42 USC § 1997e(a)
3 will, if granted, end your case, albeit without prejudice. You must
4 "develop a record" and present it in your opposition in order to
5 dispute any "factual record" presented by the defendants in their
6 motion to dismiss. Wyatt v Terhune, 315 F3d 1108, 1120 n14 (9th Cir
7 2003).

8 d. Defendants shall file a reply brief within
9 fifteen (15) days of the date on which plaintiff serves them with
10 the opposition.

11 e. The motion shall be deemed submitted as of the
12 date the reply brief is due. No hearing will be held on the motion
13 unless the court so orders at a later date.

14 3. Discovery may be taken in accordance with the Federal
15 Rules of Civil Procedure. No further court order is required before
16 the parties may conduct discovery.

17 4. All communications by plaintiff with the court must
18 be served on defendants, or defendants' counsel once counsel has
19 been designated, by mailing a true copy of the document to
20 defendants or defendants' counsel.

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5. It is plaintiff's responsibility to prosecute this case. Plaintiff must keep the court and all parties informed of any change of address and must comply with the court's orders in a timely fashion. Failure to do so may result in the dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.



VAUGHN R WALKER
United States District Chief Judge