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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWIN D. TURNER, AI4237,

Plaintiff,

v.

L. NOLAN, et al.,

Defendant(s).

Case No. [17-cv-01486-CRB](#) (PR)

ORDER TO SHOW CAUSE

On December 12, 2017, the court denied plaintiff's motion for preliminary injunction and temporary restraining order (TRO) compelling defendants to: "1) [r]e-prescribe petitioner his medicine "Atenolol" witch [sic] was prescribed and ordered by medical physician A. Dorfman for petitioner[']s heart palpitations/mild pulmonary hypertension," and "2) [m]ake every reasonable effort to treat petitioner[']s other related heart problems as diagnosed and noted in petitioner[']s echocardiogram." ECF No. 45 at 2 (citations omitted).

On December 13, 2017, plaintiff filed a late reply to defendants' opposition to his motion for preliminary injunction and TRO. The reply was late because defendants served their opposition on plaintiff at the wrong address. The reply and exhibits confirm that plaintiff's primary care physicians discontinued Dr. Dorfman's prescription of Atenolol for plaintiff because they do not believe that Atenolol is medically indicated or necessary for plaintiff. The reply and exhibits also confirm that the cardiologist who recommended and reviewed plaintiff's treadmill test and echocardiogram in response to plaintiff's complaints of palpitations and chest pain concluded that medication for chest pain was not in order. But the cardiologist requested repeating the echocardiogram at Tri-City Medical Center because he suspected that the test was not properly done locally – "there is a report of the left ventricle being 'normal,' but the ejection


United States District Court
Northern District of California

1 fraction is abnormal.” Pl.’s Reply (ECF No. 46) Ex. E at 1. In the cardiologist’s opinion, “[t]his
2 would be very crucial in making the appropriate cardiac diagnosis in this patient.” Id. at 1-2.

3 Good cause appearing therefor, the court orders that defendants show cause, within 14
4 days of the date of this order, why they should not be ordered to refer plaintiff to Tri-City Medical
5 Center for a repeat 2-dimensional echocardiogram and cardiology evaluation. Plaintiff may file a
6 reply to defendants’ response within 14 days of the date the response is filed.

7 **IT IS SO ORDERED.**

8 Dated: December 19, 2017

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11 CHARLES R. BREYER
12 United States District Judge
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