

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ZEVI BUSH

CIVIL ACTION

VERSUS

NO. 16-305

STATE OF LOUISIANA ET AL.

SECTION "N" (2)

**ORDER ON MOTIONS**

APPEARANCES: None (on the briefs)

MOTIONS: (1) Plaintiff's Motion to Change Style and Add Defendants,  
Record Doc. No. 24  
(2) Plaintiff's Request for Writ of Mandamus, Record Doc. No. 25

**ORDERED:**

(1): DENIED WITHOUT PREJUDICE AS PREMATURE. Answers have been filed on behalf of all but one defendant in this case. Amendment or supplementation of plaintiff's complaint requires leave of court. Fed. R. Civ. P. 15(a). Accordingly, plaintiff's motion is hereby denied without prejudice as premature. It may be reurged, if appropriate, after service upon and an appearance in the record by all defendants to provide defendants with an opportunity to respond to the motion.

(2): DISMISSED WITHOUT PREJUDICE AS PREMATURE. In his "Request for Writ of Mandamus," Record Doc. No. 25, plaintiff requests that the court order OJC [Orleans Justice Center] to (1) "provide the names of all staff working on the date where Plaintiff was attacked in the housing unit in which Plaintiff was attacked, and any other OJC investigative staff names" and (2) "provide a complete medical exam and hearing test." Record Doc. No. 25 at pp. 5-6. Plaintiff is advised that such discovery is premature and prohibited at this time, Schultea v. Wood, 47 F.3d 1427 (5th Cir. 1995), as the court completes the screening process required for such cases. 28 U.S.C. § 1915A.

Insofar as plaintiff requests a medical exam and hearing test, Fed. R. Civ. P. 35(a) permits the mental or physical examination of a party only upon court order based on a showing of good cause. All essential requirements of Rule 35(a) are not yet satisfied in this case. Although the physical condition of plaintiff is clearly at issue in this case, good cause does not exist for the proposed medical examinations requested by plaintiff at this time. The medical records directly relevant to plaintiff's claim in this case have already been

received. Record Doc. No. 23. As set out above, this matter is being screened pursuant to 28 U.S.C. § 1915A. If it is later determined that further proceedings are required, this motion may be reconsidered. Accordingly, **IT IS ORDERED** that this portion of plaintiff's motion is also DENIED as premature.

New Orleans, Louisiana, this 20th day of June, 2016.

A handwritten signature in black ink, reading "Joseph C. Wilkinson, Jr.", written in a cursive style. The signature is positioned above a horizontal line.

JOSEPH C. WILKINSON, JR.  
UNITED STATES MAGISTRATE JUDGE