

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES JUAN PROCTOR,)	3:12-cv-00328-MMD-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
vs.)	
)	January 10, 2014
DR. VAN HORN, et al.,)	
)	
Defendants)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiff's motion to extend time to review his medical files. (Doc. # 47.) Plaintiff seeks an additional five (5) hours to review his medical files. Defendants have responded (Doc. #50) and Plaintiff has replied (Doc. #54).

Plaintiff states that "multiple things went wrong the day he reviewed his medical files" in August of last year: his review of his medical files was scheduled for the same day that his mother had previously scheduled with the prison to visit him. Plaintiff further states that his request to have the file review on another date was denied. He admits that he cut his review short so he could have the time to visit with his mother. (Docs. # 47 at 4, # 54 at 2.) Plaintiff submitted various exhibits in support of his motion, including the April 23, 2013 letter from his mother advising him of the visit on August 12, 2013 she was able to schedule with prison authorities, and kites reflecting the dates and time spent for his file review and his visit with his mother. (*Id.*, at 13, 14, 15 and 17.)

Defendants oppose the motion, stating that "Plaintiff insinuates the conflict [with his review of the records] was the result of a nefarious conspiracy." (Doc. # 50 at 3.) However, whether there was some conspiracy or not, the end result is the same. Plaintiff was unable to utilize all of the time allotted to him to review his records. Defendants submit that some demonstration of actual need for further review should be required of Plaintiff and further propose that Plaintiff be required "to submit a statement...setting forth what facts Plaintiff hopes to discover through further chart review, how those facts prove an essential element of his medical/dental indifference claim, and why he cannot prove those facts through other means than chart review." (*Id.*, at 3-4.) The court is not persuaded by Defendants' argument.

