

United States District Court
Southern District of Texas

ENTERED

September 08, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JEFF GORDON,

Plaintiff,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL ACTION NO. 3:11-CV-337

ORDER REQUESTING A MARTINEZ REPORT

Plaintiff Jeff Gordon (TDCJ #01586761) is a state inmate incarcerated in the Texas Department of Criminal Justice - Correctional Institutions Division (“TDCJ”). In the instant case, Gordon is suing three administrators, two from TDCJ and one from the University of Texas Medical Branch (“UTMB”), for implementing allegedly unconstitutional policies that delayed his receipt of necessary medical care and caused him to suffer multiple preventable heart attacks (Dkt. 2 at pp. 6–7, 15; Dkt. 14 at p. 5). Gordon claims to have suffered four heart attacks at UTMB because of a policy requiring inmates “to exhaust their administrative remedies before they can receive treatment for serious medical needs” (Dkt. 14 at p. 10). The claims against the three administrators were transferred to this Court by the Dallas Division of the Northern District of Texas (Dkt. 4), as were claims against two other defendants that this Court then transferred to the Lubbock and Abilene Divisions of the Northern District (Dkt. 9).

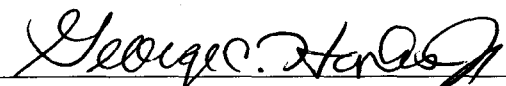
Given the nature of Gordon’s allegations, the Court will need to examine pertinent records. Accordingly, to supplement the pleadings and enable the Court to evaluate Gordon’s

claims against the three administrators, the Court **ORDERS** the State Attorney General's Office to provide a report to the Court for its review within **sixty (60) days** under *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1987). *See Cay v. Estelle*, 789 F.2d 318, 323 & n.4 (5th Cir. 1986) (discussing the utility of a *Martinez* report). The administrators in question are Brad Livingston; Dr. Lannette Linthicum; and Dr. Owen J. Murray.

Gordon has filed a motion to stay the proceedings until October 2016 while he completes a rehabilitation program (Dkt. 40), as well as a motion for leave to file a "supplemental brief" that in reality attempts to add claims (Dkt. 42). The Court **DENIES** both motions.

The Clerk will provide a copy of this order to the parties. The Clerk shall further provide a copy of this order, along with a copy of the plaintiff's original complaint (Dkt. 2) and live complaint (Dkt. 14), to Jacqueline Lee Haney, Assistant Attorney General for the State of Texas, Law Enforcement Defense Division, 300 W. 15th Street, Austin, Texas 78701, by Fax at 512-936-2109 or electronically.

SIGNED at Galveston, Texas on September 8, 2016.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE