

McKenna v. Wright

United States District Court for the Southern District of New York
June 10, 2002, Decided
01 Civ. 6571 (WK)

Reporter: 2002 U.S. Dist. LEXIS 10537

EDWARD MCKENNA, Plaintiff, - against - LESTER K. WRIGHT, Associate Commissioner/Chief Medical Officer DOCS, JOHN P. KEANE, Superintendent, Woodbourne Correctional Fac., T.J. MILLER, Deputy Supt. for Admin., Woodbourne Correctional, Facility, FRANK LANCELLOTTI, Physician, MERVAT MAKRAM, Physician, Health Care Unit, Woodbourne Correctional Facility; AND ALL UNNAMED PERSONS, INDIVIDUALS, OFFICERS, CIVILIANS, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES, Defendants.

Disposition: Court directed defendants to respond to plaintiff's motion for reconsideration.

Counsel: [*1] Edward McKenna, Plaintiff, Pro se, Woodbourne, NY.

For Defendants: John E. Knudsen, Assistant Attorney General, State of New York, Office of the Attorney General, New York, NY.

Judges: WHITMAN KNAPP, SENIOR U.S.D.J.

Opinion by: WHITMAN KNAPP

Opinion

ORDER

WHITMAN KNAPP, SENIOR DISTRICT JUDGE

On March 20, 2002, Plaintiff Edward McKenna ("Plaintiff") moved this Court to reconsider its March 4, 2002 denial of his motion for a preliminary injunction. Thereafter, on March 21, 2002, we directed the Defendants to respond to Plaintiff's motion for reconsideration. Since then, the Defendants have not yet submitted the required response.

Accordingly, we hereby direct the Defendants to respond to Plaintiff's motion for reconsideration on or before July

10, 2002. As we indicated in our March 21, 2002 order, the Defendants should, *at a minimum*, provide us with the following information regarding:

(a) the nature of the esophageal varices from which Plaintiff asserts he is suffering and whether they have been responsible for any internal bleeding from which Plaintiff may be suffering;

(b) how such esophageal varices relate to Plaintiff's cirrhosis and Hepatitis C conditions;

(c) the [*2] extent to which such varices can be treated and the extent to which Plaintiff's internal bleeding may be controlled;

(d) how Plaintiff's physicians are in fact treating the bleeding from which Plaintiff asserts he is suffering as a result of these varices, or, if the bleeding or varices are not being treated, the reasons why Plaintiff's physicians are not treating them;

(e) to the extent that Plaintiff's physicians are in fact treating his internal bleeding with medication, how such treatment is being monitored (or, if it is not being monitored, the reasons why such treatment is not being monitored);

(f) how the treatment of these varices or Plaintiff's bleeding complies with or contradicts any recommendation made by Dr. Benedict Maliakkal; and

(g) whether Plaintiff's purported emphysema or bronchitis relate either to his cirrhosis or Hepatitis C conditions, and, if they are related, how his emphysema and bronchitis are being treated.

SO ORDERED.

June 10, 2002

New York, New York

WHITMAN KNAPP, SENIOR U.S.D.J.