

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MAXIMILIANO SILEONI,

Plaintiff,

v.

STAPINSKY, MILLER, HENRICK,
and BRITT,

Defendants.

Case No. 1:21-cv-00499-BLW

**INITIAL REVIEW ORDER
BY SCREENING JUDGE AND
ORDER OF CONSOLIDATION
WITH CASE 1:21-cv-00007-BLW**

Plaintiff Maximiliano Sileoni has filed a vague prisoner civil rights Complaint bringing lack of medical treatment claims for chest pain, shortness of breath, and other related symptoms against Defendants Stapinsky, Miller, Henrick, and Britt. Plaintiff currently has pending another case for the same conditions during the same time period (2019-present) in Case No. 1:-21-cv-00007-BLW. In that case, Defendants have been ordered to provide a Martinez report with medical records to Plaintiff and the Court, after which Plaintiff will provide a response to the Martinez Report.

Because these two cases are similar, the Court will consolidate them, and all filings shall be done in the earlier-filed action, Case No. 1:-21-cv-00007-BLW. The Martinez report and medical records provided by Defendants should be sufficient to show whether Plaintiff had a serious condition and whether he received appropriate medical treatment. If Defendants' counsel can identify the new Defendants as Corizon employees

or contractors, the new Defendants should be addressed in the Martinez report. If not, then if the Martinez report and medical records show that Plaintiff's condition was nonserious, it may be sufficient to show that *no* Defendant can be liable for failure to treat a nonserious condition. Depending on the content provided by the parties, Plaintiff may be permitted to file a comprehensive amended complaint, may be permitted to proceed on limited claims, or may have his entire Complaint dismissed.

ORDER

IT IS ORDERED:

1. This case is consolidated with Case No. 1:-21-cv-00007-BLW, which shall be the lead case. All further filings for either case shall be in Case No. 1:-21-cv-00007-BLW.
2. The Clerk of Court shall serve, via the ECF system, a copy of this Order and Plaintiff's Complaint (Dkt. 2), on the following counsel on behalf of the medical defendants: Kevin West and Dylan Eaton, Parsons Behle & Latimer, 800 W. Main Street, Suite 1300, Boise, Idaho, 83702.
3. The Clerk need not send a waiver of service of summons at this time, because the case remains in screening status.
4. Neither the IDOC defendants nor their counsel need file anything at this time, since the claims against the IDOC defendants are derivative of claims against the medical providers.

5. Counsel for Defendants are requested to make a limited appearance for any Defendants in the new case who are Corizon employees or contractors for the purpose of providing a Martinez report and any other relevant records that have already been ordered in the lead case, to be supplemented with information and documents relevant to any new Defendants who are Corizon employees or contractors; however, the comprehensive Martinez report encompassing both cases should be filed **within 90 days after entry of *this* Order**, and the deadline previously set in the lead case is VACATED.



DATED: February 3, 2022

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge