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6   **IN THE UNITED STATES DISTRICT COURT**

7   **FOR THE DISTRICT OF ARIZONA**

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9 Ammar Dean Halloum,   )   No. CV 11-97-PHX-RCB (JRI)
)
10   Plaintiff,   )   **ORDER**
)
11 vs.   )
)
12   )
    Charles Ryan, et al.,   )
13   )
             Defendants.   )
14   )
    _____   )

15

16   Pending before the Court is Defendants' May 13, 2011 Motion for Clarification

17 (Doc. 19) regarding Count VI of the Complaint and Defendant Eherdt. Because the Court

18 inadvertently failed to address Plaintiff's allegations against Defendant Eherdt in Count VI

19 of the Complaint, the Court will grant the Motion and clarify the screening Order.

20   In Count VI, Plaintiff alleges that he repeatedly informed Defendant Eherdt of

21 Defendant Rhibibe's "violation of the U.S. Constitution and prison policy," but Defendant

22 Eherdt failed to stop the "deprivation and violations."

23   The mere denial of a grievance does not give rise to the inference of active

24 unconstitutional behavior. Where a defendant's only involvement in the allegedly

25 unconstitutional conduct is the denial of, or failure to respond to, administrative grievances,

26 the failure to intervene on a prisoner's behalf to remedy alleged unconstitutional behavior

27 does not amount to active unconstitutional behavior for purposes of § 1983. Shehee v.

28 Luttrell, 199 F.3d 295, 300 (6th Cir. 1999).   Plaintiff has not alleged facts in Count VI

demonstrating that Defendant Eherdt did more than simply fail to intervene on Plaintiff's behalf. Plaintiff has therefore failed to state a claim against Defendant Eherdt in Count VI. Plaintiff's claims against Defendant Eherdt in Count VI are dismissed.

IT IS ORDERED:

(1)   Defendants' May 13, 2011 Motion for Clarification (Doc. 19) is **granted**.

(2)   Plaintiff's claims in Count VI of the Complaint are dismissed as to Defendant Eherdt. Defendant Eherdt is not required to answer Count VI of the Complaint.

DATED this 25th day of May, 2011.

Robert C. Broomfield
Senior United States District Judge