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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BARRY LAMON,	CASE NO. 1:07-cv-00493-AWI-DLB (PC)
Plaintiff,	ORDER GRANTING PLAINTIFF’S MOTION
v.	AND DISMISSING DEFENDANT WILD
JOHN TILTON, et al.,	FROM ACTION
Defendants.	(Doc. 87)

Plaintiff Barry Lamon (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s third amended complaint against Defendants Luna, Price, Wilber, Vikjord, Aspieda, Magvass, Vanzant, Hamilton, Cortez, Frescura, Elize, Alvarez, and Hernandez for violation of the First and Eighth Amendments. Pending before the Court is Plaintiff’s motion to dismiss Defendant Wild from this action.

Defendant Wild made an appearance in this action, under a mistaken assumption that Plaintiff referred to Defendant Wild in his complaint rather than Defendant Wilber. However, Plaintiff contends that Defendant Wild is not a party in this action, and the complaint names Defendant Wilber.¹ Defendants filed a statement of non-opposition to Plaintiff’s motion.

Based on the foregoing, it is HEREBY ORDERED that Defendant Wild is dismissed from this action.

IT IS SO ORDERED.

Dated: March 5, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

¹ Defendant Wilber filed an answer on March 3, 2010.