

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MONTE L. HANEY,

CASE NO. 1:07-cv-01104-AWI-SMS (PC)

Plaintiff,

ORDER GRANTING PLAINTIFF'S  
MOTION FOR CLARIFICATION and  
AMENDING CAPTION OF ORDER  
ADOPTING FINDINGS AND  
RECOMMENDATION RE DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

v.

ADAMS, et al.,

Defendants.

(Docs. 115, 120)

Plaintiff Monte Haney ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on July 5, 2007 and is proceeding on the First Amended Complaint filed on July 16, 2008.

On March 19, 2012, a Findings and Recommendation regarding Defendants' motion for summary judgment issued. (Doc. 89.) On November 29, 2012, an order adopting it issued. (Doc. 115.) The caption in that order adopting reflected the case name as "Monte Haney v. Richard E. Early, et al." (Id.) The is the first and only instance that the name "Richard E. Early" has been on any order or pleading in this matter. On December 12, 2012, Plaintiff filed an ex parte motion inquiring whether, Richard E. Early was a new defendant in the case, whether Derral G. Adams was still a defendant, or if some form of mistake had occurred. (Doc. 120.)

The name "Richard E. Early" erroneously appeared in the caption of the order adopting via a mere clerical error. Pursuant to Federal Rule of Civil Procedure 60(a), clerical mistakes may be corrected whenever discovered.

1 Accordingly, Plaintiff's ex parte motion for clarification, filed December 12, 2012 (Doc.  
2 120), is hereby GRANTED and the caption of the order adopting the findings and recommendation  
3 on Defendants' motion for summary judgment (Doc. 115) is amended to reflect the case name of  
4 "Monte Haney v. Adams, et al."

5 IT IS SO ORDERED.

6 Dated: December 21, 2012



7 UNITED STATES DISTRICT JUDGE  
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