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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

J. DOE,

Plaintiff,

v.

YATES, et al.,

Defendants.

CASE NO. 1:08-cv-01219-LJO-DLB PC

ORDER AMENDING ORDER ADOPTING
FINDINGS AND RECOMMENDATIONS

(Doc. 73)

_____ /

Plaintiff J. Doe¹ (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s second amended complaint against Defendants J. D. Bennett, S. Gonzales, J. Melendez, Griffin, W. Brumbaugh, H. Martinez, S. Kern, B. Diaz, P. Soares, E. Wolford, D. J. Hatten, N. Green, D. Huckabay, Cate, John Doe 2, and John Doe 3. A review of the record indicates that Plaintiff also stated a cognizable retaliation claim against Defendant lieutenant Smith, who was unintentionally omitted. Accordingly, the Court HEREBY ORDERS that this action also proceed against Defendant lieutenant Smith for retaliation in violation of the First Amendment.

IT IS SO ORDERED.

Dated: March 26, 2010

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE

¹ Fictitious name.