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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DONDI VAN HORN,  
  
Plaintiff,  
  
vs.  
  
TINA HORNBEAK, et al,  
  
Defendants.

CASE NO. CV F 08-1622 LJO DLB  
  
**ORDER GRANTING RECEIVER  
DEFENDANTS’ MOTION FOR  
JUDGMENT AND DIRECTING THE  
CLERK TO ENTER FINAL JUDGMENT  
IN FAVOR OF THE RECEIVER  
DEFENDANTS**

The First Amended Complaint of Plaintiff Dondi Van Horn (“Plaintiff”) asserted a single cause of action against defendants J. Clark Kelso and Robert Sillen, individually and in their official capacity as Receiver of the California prison medical care system (the “Receiver Defendants”). The First Amended Complaint asserts multiple additional causes of action against multiple other defendants.

The Receiver Defendants filed a motion to dismiss the First Amended Complaint for lack of subject matter jurisdiction. On January 28, 2009, this Court granted that motion and entered an order dismissing the First Amended Complaint as to the Receiver Defendants (the “January 28 Order”).

On April 7, 2009, the Receiver Defendants filed a motion, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, for an order certifying the January 28 Order as a final judgment and ordering the immediate entry of judgment in favor of the Receiver Defendants and against Plaintiff. On April 24, 2009, Plaintiff filed a Statement of Non-Opposition to the Receiver Defendants’ Rule 54(b) motion. No

1 other party to the action has opposed the motion.

2           The Court has reviewed the Receiver Defendants' Rule 54(b) motion and finds that (1) this case  
3 involves multiple claims against multiple defendants; (2) the first cause of action against the Receiver  
4 Defendants alone was factually and legally distinct from the claims against the other named defendants;  
5 (3) the January 28 Order constituted a final decision on the only cause of action in Plaintiff's First  
6 Amended Complaint alleged against the Receiver Defendants; and (4) there is no just cause to delay  
7 certification of the January 28 Order as a final judgment.

8           Accordingly, for good cause shown, the Receiver Defendants' Rule 54(b) motion is GRANTED.  
9 The clerk of the Court is DIRECTED to enter final judgment in favor of defendants J. Clark Kelso and  
10 Robert Sillen, individually and in their official capacity as Receiver of the California prison medical care  
11 system, and against Plaintiff Dondi Van Horn.

12 IT IS SO ORDERED.

13 **Dated:** April 28, 2009

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

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