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VIRGIL E. HOLT,

Plaintiff,

v.

12 R. NICHOLAS, et al.,

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CASE NO. 1:09-cv-00800-AWI-GBC (PC)

REGARDING CLARIFICATION OF

DEFENDANT CROUCH'S DISMISSAL

(Doc. 44)

Defendants.

Plaintiff Virgil E. Holt, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 4, 2009. Doc. 1. This action is proceeding on Plaintiff's second amended complaint filed on April 8, 2010, against: 1) Defendants R. Nicholas, A. Holguin, J. Ortega, L. Machado, J. Juden, G. Adame, F. Rivera, R. Valverde, D. Coontz, M. Bubbel, K. Prior, J. Tyree, Large, Soto, Yubeta, Worrell, Vo, Knight, T. Crouch, Pinkerton, and Valasco for violation of the Eighth Amendment; 2) Defendant Holguin for retaliation in violation of the First Amendment and 3) Defendants Carrasco and D. Zanchi for supervisory liability. Doc. 21; Doc. 23, Doc. 28.

On April 26, 2011, Defendants filed a request for clarification regarding whether Defendant Crouch was still in this action. Doc. 44. It is unclear whether there were originally two different Defendants with the last name Crouch or if there were two different claims against the same Defendant Crouch. Doc. 23 at 3, 8; Doc. 28. Defendant "Crouch" was dismissed regarding counts 12, 14, 15 for due process and retaliation, however, the Court found a cognizable Eighth Amendment Claim Defendant "T. Crouch." Doc. 23 at 3, 8; Doc. 28. Therefore, Defendant T. Crouch is still a

1	defendant in this action for the Eighth Amendment claim.
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3	IT IS SO ORDERED.
4	Dated: November 16, 2011
5	UNITED STATES MAGISTRATE JUDGE
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