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8   **UNITED STATES DISTRICT COURT**

9   EASTERN DISTRICT OF CALIFORNIA

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11   JAMES LEE HELM,   1:09-cv-02111-SMS PC

12   Plaintiff,   ORDER RESOLVING REQUEST TO
                                                   CLARIFY PLAINTIFF'S STATUS
13   v.
                                                   (Doc. 5.)
14   SHERIFF ADAM CHRISTIANSON, et al.,

15   Defendants.
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17   Plaintiff James Lee Helm is a civil detainee proceeding pro se and in forma pauperis in this

18   civil rights action pursuant to 42 U.S.C. § 1983. On January 8, 2010, Plaintiff filed a request for the

19   Court to clarify his status as a civil detainee in this action. (Doc. 5.) Plaintiff objects to being

20   referred to as a prisoner, given the finding in Torrey that civil detainees are not prisoners. Page v.

21   Torry, 201 F.3d 1136, 1140 (9th Cir. 2000.)   Plaintiff requests that the Court instruct the Clerk of

22   Court and the defendants in this action not to refer to Plaintiff as a prisoner. In addition, Plaintiff

23   requests that the case number for this action be changed to reflect a wholly civil case.

24   The Court is aware that Plaintiff is a civil detainee and not a prisoner within the meaning of

25   the Prison Litigation Reform Act. The 555 nature of suit designation for this action reflects a case

26   filed by a civil detainee rather than a prisoner, and Plaintiff's case is being treated as such. Any

27   inadvertent reference to Plaintiff as a prisoner should be disregarded. The assignment of Plaintiff's

28   case number is purely administrative in nature, and has no substantive effect on this case. The case

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number was not assigned in error given how civil rights cases filed by prisoners and detainees are handled administratively, and it will not be changed.

Based on the foregoing, Plaintiff's request for clarification is HEREBY DEEMED RESOLVED.

IT IS SO ORDERED.

Dated: January 14, 2010   /s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE