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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NORMAN HUBBS.

1:10-cv-02218-GSA-PC

Plaintiff,

ORDER ADDRESSING PLAINTIFF’S
NOTICE CLARIFYING HIS STATUS

v.

(Doc. 5.)

STEPHAN MAYBERG, et al.,

Defendants.

_____/

Plaintiff Norman Hubbs is a civil detainee classified as a Sexually Violent Predator (“SVP”) proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On December 17, 2010, Plaintiff filed a Notice informing the Court that he is a civil detainee and not a prisoner. (Doc. 5.) Plaintiff objects to being referred to as a prisoner, given the finding in Hubbart that “persons eligible for commitment and treatment as SVPs are to be viewed not as criminals but sick persons.” Hubbart v. Superior Court, 19 Cal. 4th 1138 (1999). Plaintiff requests that the Court no longer refer to him as a prison inmate or refer to Coalinga State Hospital as a state prison.

The Court is aware that Plaintiff is a civil detainee and not a prisoner within the meaning of the Prison Litigation Reform Act. The 555 nature of suit designation for this action reflects a case filed by a civil detainee rather than a prisoner, and Plaintiff’s case is being treated as such. Any inadvertent reference to Plaintiff as a prisoner should be disregarded. The assignment of Plaintiff’s case number is purely administrative in nature, and has no substantive effect on this case. The case

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

3
4 IT IS SO ORDERED.

5 **Dated: December 30, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE