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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **EUGENE E. FORTE,**

9 **Plaintiff**

10 **v.**

11 **COUNTY OF MERCED, et al.,**

12 **Defendants.**

CASE NO. 1:11-CV-0318

**RESPONSE TO PLAINTIFF'S
APPLICATION FOR CORRECTION OF
DEFENDANT LIST IN APPELLATE
CASE 15-16368**

Doc. # 355

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15 The court is receipt of an *ex parte* application for correction of the defendant list in the
16 above captioned case. The request arises from Plaintiff's discovery that the list of defendants in
17 appellate case number 15-16368 in the docket report of the Ninth Circuit Court of Appeals does
18 not reflect the names of defendants Morse, Turner, Padron, the Catholic Diocese of Fresno,
19 McGhee, McClatchy Newspapers, Los Banos Enterprise and Pride. These defendants were
20 dismissed by order of the court on January 11, 2012. Doc. # 96. Plaintiff also request the list of
21 defendants be corrected to include additional defendants listed in Plaintiff's proposed second
22 amended complaint.

23 This is to inform Plaintiff that this court has forwarded all information concerning all of
24 the defendants, past or present, who have been named in any pleading *filed* by Plaintiff in this
25 court. Because Plaintiff's proposed second amended complaint was *lodged* with the court but not
26 filed because leave to amend was denied, the names and contact information for the proposed
27 additional defendants was not and cannot be added to the court's records. With regard to the
28 above-listed defendants who were originally named in Plaintiff's First Amended Complaint but

1 were subsequently dismissed, this court lacks jurisdiction to make any changes to the appellate
2 court's docket information. However, this court's supervising Docketing Clerk has contacted his
3 counterpart at the Ninth Circuit Court of Appeals by email and has advised same of Plaintiff's
4 concerns. Any further concerns Plaintiff may have with the docket of the appellate court will need
5 to be addressed to that court as this court lacks authority to make corrections or additions to the
6 appellate court's docket. For this reason, Plaintiff's *ex parte* request to correct the appellate
7 court's docket is DENIED.

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9 IT IS SO ORDERED.

10 Dated: July 23, 2015



11 SENIOR DISTRICT JUDGE
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