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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
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7 **GEORGETTE PICKETT, CHARLES**
8 **HUGHES, and FRANK SILVEIRA, as**
9 **Individuals and on behalf of all others**
10 **similarly situated,**

11 **Plaintiffs,**

12 **v.**

13 **JEFFREY A. BEARD, in his capacity as**
14 **the Secretary of the California Department**
15 **of Corrections and Rehabilitation, and**
16 **DOES 2 through 10, inclusive,**

17 **Defendants.**

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AND RELATED COUNTERCLAIMS

CASE NO. 1:13-CV-0084 AWI BAM

**ORDER TAKING MATTER UNDER
SUBMISSION AND CORRECTING
DOCKET**

On August 22, 2013, Plaintiffs filed a motion to dismiss. Plaintiffs' motion has been set for hearing on October 21, 2013. Defendant has filed an opposition, and Plaintiffs have filed a reply. The Court has reviewed the papers and has determined that this matter is suitable for decision without oral argument. See Local Rule 230(g).

Additionally, the Court has discovered docket errors with respect to the parties. Carl Silveira continues to be listed as a party plaintiff, but he was dismissed from this case with leave to amend on June 6, 2013. Importantly, he was not included in the Second Amended Complaint that was filed on June 26, 2013. See Doc. No. 33. Thus, Carl Silveira has been terminated as a named plaintiff. Additionally, Plaintiffs Charles Hughes and Frank Silveira are listed as named Plaintiffs in the active complaint, but do not appear in the docket as parties. The Court will order

1 that Charles Hughes and Frank Silveira be named as Plaintiffs and that Carl Silveira be listed as a
2 terminated party.

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4 Therefore, IT IS HEREBY ORDERED that:

- 5 1. The previously set hearing date of October 21, 2013, is VACATED, the parties shall not
6 appear at that time, and as of October 21, 2013, the Court will take the matter under
7 submission and will thereafter issue its decision;
- 8 2. The Clerk shall correct the docket and add CHARLES HUGHES and FRANK SILVEIRA
9 as party plaintiffs who are represented by Maxwell Blecher, Dennis S. Hyun, Larry W.
10 Lee, and Majed Dakak; and
- 11 3. The Clerk shall correct the docket to reflect that Plaintiff Carl Silveira was TERMINATED
12 from this matter as of June 26, 2013.

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15 IT IS SO ORDERED.

16 Dated: October 11, 2013



SENIOR DISTRICT JUDGE