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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EUGENIO LUIS NOGUERAS,
Plaintiff,
v.
TINA NICOLES,
Defendant.

Case No. 1:14-cv-00470-SKO (PC)
ORDER DEEMING AMENDED
COMPLAINT AMENDED TO SUBSTITUTE
AUGUSTINA OJUKWU IN PLACE OF
TINA NICOLES AS DEFENDANT, AND
DIRECTING CLERK'S OFFICE AMEND
COURT RECORDS TO REFLECT
SUBSTITUTION

(Docs. 13, 19 and 21)

Plaintiff Eugenio Luis Nogueras, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 21, 2012. This action for damages is proceeding against Defendant Tina Nicoles for violating Plaintiff's rights under the Eighth Amendment of the United States Constitution.

On May 9, 2014, the Court directed the United States Marshal to initiate service of process on Defendant Nicoles. The USM returned service unexecuted on May 29, 2014, on the basis that the California Department of Corrections and Rehabilitation was unable to identify any such employee. On June 3, 2014, Plaintiff was ordered to submit further information regarding the identity of Defendant Nicoles, preferably in the form a medical or appeal record containing Defendant's name.

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1 Plaintiff filed a response to the order on July 7, 2014, and based on the records he
2 provided, it appears that Augustina Ojukwu is the name of the registered nurse whose actions are
3 at issue in this case.

4 Accordingly, the Court HEREBY ORDERS as follows:

5 1. Pursuant to Federal Rule of Civil Procedure 15, Plaintiff's amended complaint is
6 deemed amended to substitute Augustina Ojukwu in place of Tina Nicoles; and

7 2. The Clerk's Office is directed to amend the court records to reflect this substitution
8 and change in case name.

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11 IT IS SO ORDERED.

12 Dated: July 27, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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