

**UNITED STATES DISTRICT COURT**

## EASTERN DISTRICT OF CALIFORNIA

DERRICK JESUS ODEN, SR.,  
Plaintiff,  
v.  
STATE OF CALIFORNIA, et al.,  
Defendants.

) 1:14-cv-00873-LJO-BAM (PC)  
 ) 1:15-cv-01286-DLB (PC)  
 )  
 ) ORDER DIRECTING CLERK OF COURT  
 ) TO FILE COMPLAINT (ECF NO. 1) FROM  
 ) CASE 15-CV-01286-DLB IN CASE 14-CV-  
 ) 00873-LJO-BAM AS FIRST AMENDED  
 ) COMPLAINT  
 )  
 ) ORDER ADMINISTRATIVELY CLOSING  
 ) CASE NO. 15-CV-01286-DLB

DERRICK JESUS ODEN, SR.,  
Plaintiff,  
v.  
DIRECTOR OF CORRECTIONS, et al.,  
Defendants.

Plaintiff Derrick Jesus Oden, Sr., (“Plaintiff”) is a state prisoner. On June 6, 2014, Plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983, which was assigned case number “1:14-cv-00873-LJO-BAM” by the Clerk of this Court. On June 1, 2015, the Court dismissed Plaintiff’s second amended complaint in that action with leave to amend within thirty days. On August 27, 2015, having received no amended complaint from Plaintiff, the Magistrate Judge issued findings and recommendations recommended dismissal of that action. (ECF No. 19).

On September 14, 2015, Plaintiff filed objections to the Magistrate Judge's findings and recommendations, explaining that the Clerk of this Court opened a new case and mistakenly filed his amended complaint for the 1:14-cv-00873-LJO-BAM matter in the new case, which was assigned case number "1:15-cv-01286-DLB." The Court observes that this mistake was made because Plaintiff neglected to designate his complaint as an amended complaint, and neglected to place the appropriate case number on his filing. As a result, the Court directs the Clerk of the Court to correct these administrative errors by filing Plaintiff's amended complaint in the appropriate case, and closing the incorrectly-opened new case.

Accordingly, the Court HEREBY ORDERS that:

1. The Clerk of the Court shall FILE the complaint (ECF No. 1) in case no. "1:15-cv-01286-DLB" into case no. "1:14-cv-00873-LJO-BAM" as a first amended complaint;
2. The Clerk of the Court shall administratively CLOSE case no. "1:15-cv-01286-DLB." All pending motions in that matter, if any, are terminated; and
3. Plaintiff is admonished that pursuant to Local Rule 133(g), documentation submitted to the Court should be in caption form with a title describing the document, and shall include the appropriate case name and number.

IT IS SO ORDERED.

Dated: September 16, 2015

/s/ Dennis L. Beck

UNITED STATES MAGISTRATE JUDGE