

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DERRICK JESUS ODEN,

Plaintiff.

V

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. 1:14-cv-00873-LJO-BAM (PC)

**ORDER GRANTING MOTION TO
CORRECT VALLEY FEVER EXPOSURE
DATE**

(ECF No. 38)

Plaintiff Derrick Jesus Oden (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, initiated this civil rights action pursuant to 42 U.S.C. § 1983 on June 9, 2014. This action proceeds on Plaintiff’s third amended complaint, filed on September 16, 2015, against Defendants J. Acebedo, S. Swaim, and R. Thomas for deliberate indifference to a serious risk in violation of the Eighth Amendment.

On August 28, 2017, Plaintiff filed a motion to correct Valley Fever exposure date. (ECF No. 38.) Plaintiff declares that he contracted Valley Fever while at Northern Kern (Delano) Prison in October 2010, and his initial filing erroneously stated that he contracted Valley Fever in October 2009. (*Id.*) Defendants did not file a response, but acknowledged the correction in the motion to dismiss filed on October 16, 2017. (ECF No. 42-1, p. 2, n.1.) The motion is deemed submitted. Local Rule 230(l).

111

In light of Defendants' acknowledgement of the clerical error and the minor nature of the correction, Plaintiff's motion to correct the Valley Fever exposure date (ECF No. 38) is HEREBY GRANTED. The correction is deemed incorporated, and no amended complaint is necessary.

IT IS SO ORDERED.

Dated: October 17, 2017

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE