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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 DERRICK JESUS ODEN,

12 Plaintiff,

13 v.

14 STATE OF CALIFORNIA, et al.,

15 Defendants.
16

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

ORDER GRANTING MOTION TO
CORRECT VALLEY FEVER EXPOSURE
DATE

(ECF No. 38)

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

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

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

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5 IT IS SO ORDERED.

6 Dated: October 17, 2017

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