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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IRVIN VAN BUREN,
Plaintiff,
v.
C. WADDLE, et al.,
Defendants.

CASE NO. 1:14-cv-01894-DAD-MJS (PC)
ORDER ON DEFENDANTS' REQUEST
FOR CLARIFICATION
(ECF No. 91)

Plaintiff is a prisoner proceeding with counsel and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. Trial is set to begin on this matter on September 26, 2017. (ECF No. 84.)

In its trial scheduling order, the Court noted that the action proceeds on Plaintiff's excessive force claim against Defendants Neibert, Ronquillo, and Walinga. On May 18, 2017, Defendants sought clarification that Plaintiff's excessive force claim against Defendant Waddle would proceed as well since Defendant Waddle had not been terminated from the action. (ECF No. 91.)

Plaintiff's Eighth Amendment failure to protect claim against Defendant Waddle was dismissed on March 16, 2017 pursuant to her motion for summary judgment. (ECF

1 No. 83.) Defendants are correct that Plaintiff's excessive force claim against Defendant
2 Waddle remains active. (ECF No. 91.) Therefore, the trial will also proceed against
3 Defendant Waddle on Plaintiff's excessive force claim.

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IT IS SO ORDERED.

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Dated: May 19, 2017

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1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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