1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 8 9 10 IVAN L. MATTHEWS, No. 1:14-cv-1959 KJM DB P 11 Plaintiff, 12 **ORDER** v. 13 KIM HOLLAND, Warden, 14 Defendant. 15 16 17 Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. 18 § 1983. The court dismissed this action on October 5, 2021 on the ground that plaintiff's claims 19 are barred by qualified immunity. October 5, 2021 Order, ECF No. 89, at 6. Judgment was 20 entered the same day. ECF No. 90. On October 20, 2021, plaintiff filed a motion to alter or 21 amend the judgment. ECF No. 91. Plaintiff has failed to present any grounds that would support 22 his motion. The court therefore will deny the motion. The court will, by this order and on its 23 own motion, correct clerical errors in the October 5, 2021 order, nunc pro tunc to October 5, 24 2021. See Fed. R. Civ. P. 60(a); see also Nisenan Tribe of Nevada City Rancheria v. Jewell, 25 650 Fed. App'x 497, 499 (9th Cir. 2016) (court has authority to correct clerical error nunc pro 26 tunc where correction does not affect substantive rights and "is limited to making the record 27 reflect what the district court actually intended to do at an earlier date" (citation omitted)). Here, 28 1

the correction is made to correct the procedural posture this case was in when the court dismissed it; it does not affect the substantive rights of the parties. In accordance with the above, IT IS HEREBY ORDERED that: Plaintiff's October 20, 2021 motion to alter or amend the judgment in this action, ECF No. 91, is DENIED. 2. The first sentence of paragraph 1 of the court's October 5, 2021 order is amended nunc pro tunc to October 5, 2021 by replacing the first sentence with the following two sentences: Plaintiff's unopposed motion to reopen in Matthews v. Holland, Case No. 1:14-cv-1959 KJM DB, ECF No. 86; and the unopposed motions to lift the stays and dismiss the cases of Rico v. Beard et al., Case No. 2:17-cv-1402 (E.D. Cal.), ECF No. 125; Wilson v. Beard et al., Case No. 1:15-cv-01424 (E.D. Cal.), ECF No. 45; and Suarez v. Beard, et al., Case No. 2:18-cv-00340 (E.D. Cal.), ECF No. 114, are **GRANTED.** All four cases are **DISMISSED** on the grounds of qualified immunity. DATED: July 25, 2023.