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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

JAMES MOZINGO,

Plaintiff,

v.

**CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION; LADD, lieutenant;
C. LOWERY, correctional officer; I.
SINGH, M.D.; BARBARA
WOODWARD, PA; K. PHANA, PA;
and DOES 1 through 47, inclusive,**

Defendants.

CASE NO.: 1:15-cv-00633 LJO BAM

**ORDER GRANTING STIPULATION
TO PERMIT AN AMENDMENT TO
THE SECOND AMENDED
COMPLAINT**

Judge: The Honorable Barbara A. McAuliffe
Trial Date: Not Set
Action Filed: April 22, 2015

Before the Court is a stipulation of the parties to correct the spelling of the name of Defendant identified as “K. Phana.” This Defendant is a contract Physician’s Assistant not amenable to substitute service at CDCR. Various spellings of the name have made service of the complaint and summons on “K. Phana” untenable because Defendant’s agency is constrained by its privacy policies. Plaintiff seeks to correct the name without the need for a motion and order to file a Third Amended Complaint, and Defendants stipulate to the

1 correction. Furthermore, the ability of the Court to set a schedule for a case that was filed
2 April 22, 2015, is impacted by the delays in naming and serving this Defendant.

3 Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that the
4 Second Amended Complaint be corrected by changing the name of Defendant “K. Phana”
5 to “K. Phanh” wherever it appears in the Second Amended Complaint. All further
6 captions going forward in the matter will reflect the change.
7

8 The Clerk of the Court is directed to correct the spelling of Defendant K. Phana,
9 PA to “K. Phanh, PA” in the case docket and issue a new summons in the name of “K.
10 Phanh.”
11

12 IT IS FURTHER ORDERED that the previous order granting Plaintiff’s in forma
13 pauperis request to affect service by U.S. Marshal’s Service (ECF No. 26) be amended to
14 include service on “K. Phanh.”
15

16
17 IT IS SO ORDERED.

18 Dated: January 19, 2016

19 /s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE