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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	ALTON KING,) Case No.: 1:15-cv-00698-SAB (PC)
12	Plaintiff,) ORDER DENYING PLAINTIFF'S MOTION
13	v.) FOR ADDITION OF CALIFORNIA) DEPARTMENT OF CORRECTIONS AND
14	CALISTRO,	 REHABILIATION AS DEFENDANT IN THIS ACTION
15	Defendant.)) [ECF No. 15]
16)
17	Plaintiff Alton King is appearing pro se and in forma pauperis in this civil rights action	
18	pursuant to 42 U.S.C. § 1983.	
19	On October 19, 2015, the Court found that Plaintiff stated a cognizable claim for relief against	
20	Defendant Calistro for deliberate indifference to a serious medical need and retaliation. (ECF No. 14.)	
21	The Court forwarded Plaintiff the necessary service of process forms for completion and return to the	
22	Court within thirty days. (<u>Id.</u>)	
23	On October 29, 2015, Plaintiff filed a motion to identify and service the California Department	
24	of Corrections and Rehabilitation (CDCR) as a Defendant in this action.	
25	Although Plaintiff's second amended does name the CDCR, the State of California's CDCR	
26	and any state correctional agency under its jurisdiction are not persons subject to suit under § 1983.	
27	Hale v. State of Arizona, 993 F.2d 1387, 1398-1399 (9th Cir. 1993). See Alabama v. Pugh, 438 U.S.	
28	781, 782 (1978) (per curiam) ("There can be no	o doubt that [a] suit against the State and its Board of
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1	Corrections is barred by the Eleventh Amendment, unless [the State] has consented to the filing of	
2	such suit."). Because the Eleventh Amendment bars suit against California and its CDCR, there are no	
3	circumstances under which Plaintiff can pursue a claim against CDCR. Accordingly, Plaintiff's	
4	motion to add the CDCR as a Defendant in this case is DENIED, and this action shall proceed against	
5	Defendant Calistro only.	
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7	IT IS SO ORDERED.	
8	Dated: October 30, 2015	
9	UNITED STATES MAGISTRATE JUDGE	
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