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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 DANA SMITHEE, et al.,) Case No.: 1:19-cv-00004-JLT-BAK (GSA)
12 Plaintiffs,)
13 v.) ORDER GRANTING REQUEST TO TERMINATE
14 PRATAP NARAYN,) FORMER DEFENDANTS FROM THE DOCKET
15 Defendant.) (Doc. 130)
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On January 12, 2022, Defendants filed a request to terminate former Defendants State of California, California Correctional Institution, and Kelly Nesson from the docket. (Doc. 130). A review of the docket shows that the State of California and California Correctional Institution were not named defendants since the first amended complaint (Doc. 19), and Kelly Nesson was not included as a defendant since the third amended complaint (Doc. 45). Because the State of California, California Correctional Institution, and Kelly Nesson are not named defendants in the operative fifth amended complaint, they are not defendants in this matter. (Doc. 130 at 2, citing Brown v. Stored Value Cards, Inc., 953 F.3d 567, 572 n.5 (9th Cir. 2020) (“An amended complaint supersedes the original complaint and renders it without legal effect.”)).

Defendant Pratap Narayan was previously dismissed from the action. (Doc. 88). On November 22, 2021, Plaintiffs filed a motion to amend the fourth amended complaint to rejoin

1 Defendant Narayan (Doc. 115), which the Court granted (Doc. 128). The fifth amended complaint
2 was filed on January 11, 2022, naming only Defendant Pratap Narayan. (Doc. 129).

3 Accordingly, the Clerk of Court is DIRECTED to dismiss Defendants State of California,
4 California Correctional Institution, and Kelly Nesson, and rejoin Defendant Pratap Narayan.

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6 IT IS SO ORDERED.

7 Dated: February 8, 2022

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE