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

EDWARD MOTLEY) 2:08-CV-01423-RLH (VPC)
Plaintiff,	
vs. J. SMITH, <i>et al.</i> ,) REPORT AND RECOMMENDATION OF U.S. MAGISTRATE JUDGE
Defendants.)) July 16, 2010)

This Report and Recommendation is made to the Honorable Roger L. Hunt, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On July 30, 2009, the undersigned Magistrate Judge entered a report and recommendation allowing certain of plaintiff's claims to proceed and recommending dismissal of certain claims (#15). On October 27, 2009, the District Judge adopted and accepted the report and recommendation of the Magistrate Judge (#20). It has recently come to this court's attention that the July 30, 2010 report and recommendation contains an omission of one defendant in section two on page ten in the listing of those claims that are allowed to proceed against certain defendants. Section two, page ten should be amended to read as follows:

2. Plaintiff's First Amendment retaliation claims against defendants Smith, **Wright**, and McGuire;

Therefore, the undersigned Magistrate Judge **RECOMMENDS** that plaintiff's First Amendment retaliation claims against defendants Smith, **Wright**, and McGuire shall be allowed to proceed and that all other provisions of the report and recommendation shall stand as originally written and remain in full force and effect.

The parties are advised:

1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule 304(b) of the Local Rules of Practice, the parties may file specific written objections to this report and recommendation within ten days

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of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the District Court.

2. This report and recommendation is not an appealable order and any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

DATED: July 16, 2010.

UNITED STATES MAGISTRATE JUDGE

Valerie P. Cooke