



1 this action will proceed against two other defendants named in the fourth amended complaint, one  
2 of whom is identified by plaintiff as R. Holland. R. Holland is identified in the fourth amended  
3 complaint as a physical therapist; D. Holland is identified in the third amended complaint as a  
4 physical therapist; and both pleadings include allegations that plaintiff was seen by a physical  
5 therapist with the last name Holland in, inter alia, March 2007, albeit on different dates. Compare  
6 Third Amended Complaint, filed September 1, 2011 (ECF No. 28) at 3 with Fourth Amended  
7 Complaint, filed May 19, 2014 (ECF No. 74) at 4-5. Assuming that these are two separate  
8 individuals, the magistrate judge's finding that Debbie Holland is not named as a defendant in the  
9 Fourth Amended Complaint is correct and the recommendation that Debbie Holland be dismissed  
10 from the action will be adopted. The dismissal will be without prejudice pending the magistrate  
11 judge's resolution of plaintiff's motion for clarification.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The findings and recommendations filed June 5, 2014, are adopted; and
- 14 2. Defendant Debbie Holland is dismissed from this action.

15  
16 DATED: July 22, 2014.

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21 LAWRENCE K. KARLTON  
22 SENIOR JUDGE  
23 UNITED STATES DISTRICT COURT  
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