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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAMONT CROSSLEY,
Plaintiff,
v.
ABE NIAZI, et al.,
Defendants.

No. 2:12-cv-2180 LKK CKD P

ORDER

This prisoner civil rights action pursuant to 42 U.S.C. § 1983 proceeds on the amended complaint filed November 9, 2012. Before the court is plaintiff’s request that the amended complaint be found to “relate back” to his original complaint, filed August 21, 2012, pursuant to Rule 15(c) of the Federal Rules of Civil Procedure. (ECF No. 38.) Rule 15(c) provides that an amended pleading relates back to the date of the original pleading when “the amendment asserts a claim or defense that arose out of the conduct, transaction, or occurrence set out – or attempted to be set out – in the original pleading[.]” Defendants do not oppose the motion. (ECF No. 39.) Accordingly, the motion will be granted.

Plaintiff has also filed a motion to compel defendant Todd to provide a response to an interrogatory seeking the name of the nurse Todd consulted with about plaintiff’s medical needs

1 on December 8, 2010. (ECF No. 40.) As defendants have now provided this name (see ECF No.
2 41), the motion will be denied as moot.

3 Accordingly, IT IS HEREBY ORDERED THAT:

- 4 1. Plaintiff's motion for the provisions of FRCP 15(c) (ECF No. 38) is granted; and
5 2. Plaintiff's motion to compel (ECF No. 40) is denied as moot.

6 Dated: November 5, 2013



7 CAROLYN K. DELANEY
8 UNITED STATES MAGISTRATE JUDGE

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