

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
6

7 TUANJA EDWARD ANDERSON,

No. C 15-2013 MEJ (PR)

8 Plaintiff,

**ORDER GRANTING  
DEFENDANTS' ADMINISTRATIVE  
MOTION**

9 v.

Docket No. 14

10 CALIFORNIA DEPARTMENT OF  
11 CORRECTIONS & REHABILITATION,  
12 SALINAS VALLEY STATE PRISON,

12 Defendants.  
13 \_\_\_\_\_/

14 On May 5, 2014, plaintiff, an inmate at Salinas Valley State Prison ("SVSP"), filed  
15 this *pro se* action under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et*  
16 *seq.* ("ADA"). On December 9, 2015, the Court reviewed plaintiff's amended complaint and  
17 found that, liberally construed, it stated an ADA claim. Plaintiff correctly named as  
18 defendants SVSP and the California Department of Corrections and Rehabilitation  
19 ("CDCR"). See *Alsbrook v. City of Maumelle*, 184 F.3d 999, 1005 n.8 (8th Cir. 1999)  
20 ("[The ADA] provides disabled individuals redress for discrimination by a 'public entity.'  
21 See 42 U.S.C. § 12132. That term, as it is defined within the statute, does not include  
22 individuals. See 42 U.S.C. § 12131(1).").

23 In its December 9, 2015 order, the Court directed service on Jeffrey Beard and  
24 William Muniz, in their capacities as representatives of, respectively, the CDCR and SVSP.  
25 The CDCR and SVSP have appeared in this action and point out that Jeffrey Beard and  
26 William Muniz were not named in plaintiff's amended complaint. They request modification  
27 of the December 9, 2015 order to show that the CDCR and SVSP are the only defendants.  
28 Defendants are correct that the Court erroneously named Mr. Beard and Mr. Muniz as

1 defendants. Accordingly, the December 9, 2015 order is now amended to delete lines 16  
2 through 17 on page 3 and replace them with the following text:

- 3 – California Department of Corrections & Rehabilitation
- 4 – Salinas Valley State Prison

5 The Clerk shall terminate Jeffrey Beard and William Muniz as defendants on the  
6 Court's docket in this action. Defendants' request to reissue summons is denied as  
7 unnecessary given that the CDCR and SVSP have been served via their agents and have  
8 appeared through counsel.

9 The schedule for filing of dispositive motions set forth in the December 9, 2015 order  
10 remains in place.

11 This order terminates Docket No. 14.

12 IT IS SO ORDERED.

13 DATED: February 3, 2016

  
\_\_\_\_\_  
14 Maria-Elena James  
15 United States Magistrate Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28