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United States District Court  
For the Northern District of California

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

TODD ASHKER and DANNY TROXELL

No. 09-05796 CW

Plaintiffs,

ORDER DENYING  
PLAINTIFFS'  
MOTION TO CORRECT  
OMISSION IN FIRST  
AMENDED COMPLAINT  
(Docket No. 22)

v.

EDMUND G. BROWN, JR., Governor, et  
al.,

Defendants.

\_\_\_\_\_/

Plaintiffs Todd Ashker and Danny Troxell move to correct and clarify an omission in their First Amended Complaint (1AC) and submit four pages of text that they wish to incorporate into their tenth cause of action. This motion is denied. The new text appears to be argument in support of their claim rather than factual allegations to support a cause of action. If Plaintiffs wish to incorporate this text into their complaint, they must file a motion for leave to file a Second Amended Complaint, and lodge a copy of their proposed Second Amended Complaint, containing everything they wish to include and superseding their prior

1 complaints.

2 For the foregoing reasons, Plaintiffs' motion to correct  
3 omission is denied.

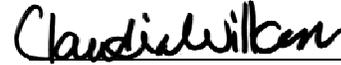
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5 IT IS SO ORDERED.

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7 Dated: 3/28/2011

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CLAUDIA WILKEN  
United States District Judge

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 TODD ASHKER et al,

Case Number: CV09-05796 CW

5 Plaintiff,

**CERTIFICATE OF SERVICE**

6 v.

7 ARNOLD SCHWARZENEGGER et al,

8 Defendant.  
\_\_\_\_\_ /

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
10 Northern District of California.

11 That on March 28, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
14 in the Clerk's office.

15 Danny Troxell  
16 Pelican Bay State Prison  
17 B76578  
18 P.O. Box 7500  
19 D1-120  
20 Crescent City, CA 95532

21 Todd Ashker C58191  
22 Pelican Bay State Prison  
23 P.O. Box 7500  
24 D1-SHU  
25 Crescent City, CA 95532

26 Dated: March 28, 2011

27 Richard W. Wiekling, Clerk  
28 By: Nikki Riley, Deputy Clerk