UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAM DRAKE,

Plaintiff,

v.

MCCOMAS, *et al.*,

Defendants.

Case No. 1:22-cv-01149-JLT-BAM (PC)

ORDER DENYING PLAINTIFF'S REQUEST TO STRIKE THE NAMES OF ALL DISMISSED PARTIES FROM CASE TITLE AS MOOT

(ECF No. 18)

Plaintiff Sam Drake ("Plaintiff") is a pretrial detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against: (1) Defendants Mims and McComas for implementing a facially unconstitutional policy, FCJ Policy #E-120 and #E-410, in violation of the First Amendment; (2) Defendants Enriquez, Keoniyim, and Nichols for unconstitutional application of FCJ Policy #E-120 and #E-410 to Plaintiff, in violation of the First Amendment; and (3) Defendants Enriquez, Keoniyim, and Nichols for returning Plaintiff's mail without notice, in violation of the Fourteenth Amendment's Due Process Clause.

Currently before the Court is Plaintiff's request to strike the names of all dismissed parties from the case title of this action, filed April 28, 2023. (ECF No. 18.) Plaintiff's request is denied as moot. On April 24, 2023, the assigned District Judge granted Plaintiff's previous motion to recaption this case, and all dismissed parties have been terminated from the caption and the

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docket for this action. (ECF No. 16.) This case is now captioned *Drake v. McComas, et al.*, which accurately reflects the remaining parties to this action. (*Id.*)

Accordingly, Plaintiff's request to strike the names of all dismissed parties from case title, (ECF No. 18), is HEREBY DENIED as moot.

IT IS SO ORDERED.

Dated: **May 1, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE