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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Abdulmir Al-Asadi, an individual,

No. CV-09-0047-PHX-DGC

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Plaintiff,

ORDER

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vs.

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City of Phoenix, a municipality; Clint
Crockett, in his individual capacity as an
officer with the City of Phoenix Police
Department; Kane Kimble, in his
individual capacity as an officer with the
City of Phoenix Police Department; and
Robert Metrick, in his individual
capacity as an officer with the City of
Phoenix Police Department,

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Defendants.

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Defendants Kane Kimble and Robert Metrick have filed a partial motion to dismiss counts one, two, and four of Plaintiff's first amended complaint for failure to comply with A.R.S. § 12-821.01. Dkt. #3. Plaintiff's response (Dkt. #6) and Defendants' reply (Dkt. #7) have been filed. The Court will grant the motion.

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Defendants Kimble and Metrick argue that Plaintiff failed to file a timely notice of claim with them individually concerning Plaintiff's claims for negligence and/or gross negligence (count one), false arrest/imprisonment (count two), and intentional infliction of emotional distress (count four). Plaintiff does not dispute this assertion. Because Defendants' motion does not request relief beyond dismissal of the individual claims asserted against Kimble and

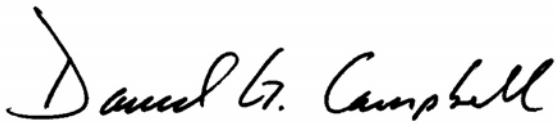
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1 Metrick, the Court does not address Plaintiff's arguments concerning the City's *respondeat*
2 *superior* liability for Kimble and Metrick's actions.

3 **IT IS ORDERED** that Defendants' partial motion to dismiss counts one, two, and four
4 of Plaintiff's first amended complaint (Dkt. #3) is **granted**. Counts one, two, and four of
5 Plaintiff's first amended complaint are **dismissed** as against Defendants Kane Kimble and
6 Robert Metrick.

7 DATED this 9th day of February, 2009.

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David G. Campbell
United States District Judge