



1 under § 1985(2) are dismissed without leave to amend; that defendants Beardmore and  
2 Gill are dismissed from this action without prejudice; that defendant Tavera is  
3 dismissed, without prejudice, from all claims except plaintiff's second claim under §  
4 1983 based on unlawful customs and practice; that plaintiff's request for punitive  
5 damages as to defendants Beardmore, Gill, and Tavera, except insofar as punitive  
6 damages are requested against Tavera in relation to the Monell claim are stricken,  
7 without prejudice; and that plaintiff, if he still desires to pursue this action, is ordered  
8 to file a Second Amended Complaint within thirty (30) days of the date of this Order  
9 remedying the deficiencies discussed in the Report and Recommendation. If plaintiff  
10 chooses to file a Second Amended Complaint, it should bear the docket number  
11 assigned in this case; be labeled "Second Amended Complaint"; and be complete in  
12 and of itself without reference to the Complaint, the FAC, or any other pleading,  
13 attachment, or document. In the event plaintiff does not amend his claims dismissed  
14 with leave to amend and file a Second Amended Complaint, within the allotted time,  
15 the Court will order defendants to file an Answer to the remaining claim, *i.e.*,  
16 plaintiff's claim for excessive force and unlawful seizure alleged in his first claim.

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18 Dated: January 31, 2017

  
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JOHN A. KRONSTADT  
UNITED STATES DISTRICT JUDGE