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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Defendants' motion to dismiss portions of the sixth amended complaint of Plaintiffs ROBERT MORRIS and MICHELLE MORRIS, came on for hearing on September 13, 2010. Defendants, CITY OF FRESNO, CHRISTOPHER LONG and JEREMY DEMOSS were represented by James J. Arendt. Plaintiffs ROBERT MORRIS and MICHELLE MORRIS who are proceeding in pro per, appeared on their own behalf.

After reviewing the papers submitted by the parties and hearing oral argument on the issues presented, and pursuant to the Court's *Memorandum Decision* (Doc. 90), the Court orders as follows:

1. Defendants' motion to dismiss Plaintiffs' claims against the City of Fresno is granted, with prejudice.

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**Order on Motion to
Dismiss Sixth Amended Complaint**

1 2. Defendants' motion to dismiss Plaintiff RICHARD MORRIS' Fourth Amendment claim
2 based on plaintiff RICHARD MORRIS' blood draw is granted without prejudice, except as it relates to
3 excessive force.

4 Any amended complaint is due within fourteen (14) days of service of the Memorandum
5 Decision. Defendants' responsive pleading shall be filed within ten (10) days of service of the amended
6 complaint.

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8 *IT IS SO ORDERED.*

9 *Dated: September 28, 2010*

10 */s/ Oliver W. Wanger*
11 *UNITED STATES DISTRICT JUDGE*

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