IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

HENRY WILLIAM TELLES, SR., **Plaintiff,** **v.** **CITY OF WATERFORD, COUNTY OF STANISLAUS, STANISLAUS COUNTY SHERIFF'S DEPARTMENT, OFFICER DENNIS CORDOVA, in his individual and official capacities, JOHN PURCH, in his individual and official capacities, ROBERT FISHER, in his individual and official capacities, DAN BILBRAY, in his individual and official capacities, OFFICERS NUNOS, BRALEY, HEILMAN, HINKLE, MATOS, JENKINS and KIRKBRIDGE, and DOES 1-50,** **Defendants.**	**CIV F 10-0982 AWI SKO** **ORDER GRANTING UNOPPOSED MOTION TO DISMISS DEFENDANT CITY OF WATERFORD**

In this action for civil rights violation and damages, defendants City of Waterford filed a motion to dismiss Plaintiff's Third Amended Complaint ("TAC") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on November 9, 2011. Oral argument on City of Waterford's Motion to dismiss was scheduled to be held on December 19, 2011. On November 17, 2011, Defendant County of Stanislaus filed a notice of non-opposition to City of Waterford's Motion to Dismiss. On December 12, 2011, Plaintiff filed a document titled "Motion to Dismiss Defendant City of Waterford," which consists of a single sentence moving the court to "dismiss

all claims of action from [sic] the Defendant, City of Waterford."

The court interprets Plaintiff's filing of December 12, 2011, as a motion for voluntary dismissal of defendant City of Waterford. The court concludes, based on the notice of non-opposition, that Plaintiff's motion is unopposed by the remaining Defendants. The court will therefore grant Plaintiff's motion and will vacate the hearing date for oral argument on the motion.

Therefore, IT IS HEREBY ORDERED that Plaintiff's TAC is hereby DISMISSED in its entirety as to defendant City of Waterford only. The currently set hearing date of December 19, 2011, on City of Waterford's Motion to Dismiss is hereby VACATED and no party shall appear at that time.

IT IS SO ORDERED.

Dated: December 15, 2011

CHIEF UNITED STATES DISTRICT JUDGE