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**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 )**  
 **SHERIFFS DEPARTMENT, and )**  
 **SHERIFFS DEPUTIES MOSS, LETRAS, )**  
 **LONGORIA, PETTIT, KIRKBRIDE, )**  
 **MORENO, SIGALA, and WILSON, )**  
 **each in their individual and official )**  
 **capacities, and DOES 1-50, inclusive, )**  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**1:10-cv-0982 AWI SKO**  
  
**ORDER GRANTING  
MOTIONS OF PLAINTIFF  
AND CITY OF WATERFORD  
TO DISMISS**  
  
**Doc's # 37 and 54**

This is an action for violation of civil rights under the Fourth Amendment pursuant to 28 U.S.C. § 1983. The currently-operative Third Amended Complaint (“TAC”) was filed on October 26, 2011. Currently before the court is a motion by City of Waterford to dismiss the TAC as to it pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure that was filed on November 9, 2011. Also before the court is a motion by plaintiff Henry William Telles (“Plaintiff”) to “Dismiss Certain Parties,” which was filed on March 26, 2012.

As to Defendant City of Waterford, Plaintiff’s TAC omits any allegations against it. City of Waterford states in its motion to dismiss that the motion is made “in an abundance of caution.” Plaintiff’s motion to “Dismiss Certain Parties” seeks voluntary dismissal of all Defendants EXCEPT Defendants County of Stanislaus, Stanislaus Sheriffs Department and

1 Stanislaus County Sheriffs Deputies Kirkbride and Wilson. Based on Plaintiffs' Motion to  
2 Dismiss Certain Parties, the court concludes City of Waterford's motion to dismiss is unopposed.  
3 The court also notes it has received no opposition as to Plaintiffs motion to dismiss all individual  
4 Defendants except Kirkbride and Wilson and therefore concludes Plaintiff's motion is also  
5 unopposed. The court will therefore grant both motions to dismiss.

6  
7 THEREFORE, in consideration of the foregoing, it is hereby ORDERED that the motion  
8 of Defendant City of Waterford is hereby GRANTED. City of Waterford is hereby DISMISSED  
9 with prejudice as to all claims set forth in the TAC. Plaintiff's Motion to Dismiss Certain Parties  
10 is also hereby GRANTED. Individual Defendants Letras, Longoria, Petit, Moreno and Sigala are  
11 each hereby DISMISSED with prejudice as to all claims set forth in the TAC.

12 IT IS SO ORDERED.

13 Dated: April 18, 2012

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16 CHIEF UNITED STATES DISTRICT JUDGE  
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