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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES LORAN QUINN, Plaintiff, vs. FRESNO COUNTY SHERIFF, FRESNO COUNTY PROBATION DEPARTMENT, OFFICER DAVID ALANIS, OFFICER LEONARD RICHERT, FRESNO COUNTY DISTRICT ATTORNEY, FRESNO COUNTY JAIL, ET AL. and DOES 1 to 100 INCLUSIVE, Defendants.	CASE NO.: 1:10-CV-01617-OWW-SMS **ORDER ON DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S THIRD AMENDED COMPLAINT** Date: May 2, 2011 Time: 10:00 a.m. Ctrm: 3 The Honorable Oliver W. Wanger

On May 2, 2011, the matter of Defendants' motions to dismiss Plaintiff's third amended complaint came before the Court for hearing. Attorney Roy C. Santos appeared on behalf of the moving parties. Attorney David M. Hollingsworth appeared via telephone on behalf of the plaintiff. After considering the pleadings and documents filed with the Court, and receiving oral argument from counsel, the Court hereby rules as follows:

1. Plaintiff's medical care claim under section 1983 against Defendant ALANIS is DISMISSED, without prejudice;

2 Plaintiff's first cause of action is DISMISSED, with prejudice;

3. Plaintiff's second cause of action is DISMISSED, with prejudice;

4. Plaintiff's third cause of action is DISMISSED, without prejudice;

5. Plaintiff shall file an amended complaint within fourteen (14) days of service of the Memorandum Decision; and,

10. Defendants shall file a response within ten (10) days of service of the amended complaint.

IT IS SO ORDERED.

DATED: May 19, 2011

/s/ OLIVER W. WANGER
United States District Court Judge