

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANITA WASHINGTON,)	CASE NO.: 1:10-cv-02031-OWW-JLT
Plaintiff,)	
vs.)	ORDER RE: DEFENDANT’S MOTION
)	TO DISMISS COMPLAINT
CALIFORNIA CITY CORRECTION)	
CENTER, JOHN GUZMAN; AND DOES 1)	
TO 20,)	
Defendants.)	

The Motion to Dismiss Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) by defendant CCA of Tennessee, LLC (“CCA”) (incorrectly sued as California City Correction Center) came on regularly for hearing on January 24, 2011 at 10:00 a.m. at the above entitled Court. Donald Iwuchukwu, Esq. of Law Offices of Donald Iwuchukwu appeared for plaintiff, Richard Y. Chen, Esq. and Kathey H. Gao, Esq of Gleason & Favarote appeared for defendant

On proof made to the satisfaction of the Court, the Court orders as follows:

1. CCA’s motion to dismiss is GRANTED in part and DENIED in part, as follows.
 - a. CCA’s motion to dismiss Plaintiff’s first cause of action is DENIED. Plaintiff is GRANTED LEAVE TO AMEND the first cause of action.
 - b. CCA’s motion to dismiss Plaintiff’s second cause of action is DENIED.
 - c. CCA’s motion to dismiss Plaintiff’s third cause of action is DENIED.
 - d. Plaintiff is GRANTED LEAVE TO AMEND the fourth cause of action.

1 e. CCA's motion to dismiss Plaintiff's fifth cause of action is DENIED.

2 f. CCA's motion to dismiss Plaintiff's sixth cause of action is GRANTED WITHOUT
3 PREJUDICE. Plaintiff is GRANTED LEAVE TO AMEND the sixth cause of action.

4 g. CCA's motion to dismiss Plaintiff's claim for punitive damages is GRANTED
5 WITHOUT PREJUDICE. Plaintiff is GRANTED LEAVE TO AMEND Plaintiff's claim
6 for punitive damages.
7

8 **IT IS SO ORDERED**
9

10 Dated: February 11, 2011

11 /s/ OLIVER W. WANGER
12 United States District Court Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28