

1 **P O R T E R | S C O T T**

2 A PROFESSIONAL CORPORATION
3 Terence J. Cassidy, SBN 99180
4 Kristina M. Hall, SBN 196794
5 350 University Ave., Suite 200
6 Sacramento, California 95825
7 TEL: 916.929.1481
8 FAX: 916.927.3706

9 Attorneys for Defendants COUNTY OF STANISLAUS
10 and STEVE JACOBSEN

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

13 FRANK C. CARSON
14 Plaintiff,

Case No.: 1:10-CV-02133-OWW-SMS

15 vs.

**ORDER ON THE MOTION TO
DISMISS OF DEFENDANTS COUNTY
OF STANISLAUS AND STEVEN
JACOBSEN**

16 COUNTY OF STANISLAUS, STEVEN
17 JACOBSEN,
18 Defendants.

19 The Motion to Dismiss filed by Defendants COUNTY OF STANISLAUS and STEVE
20 JACOBSEN (“Defendants”) was fully briefed and the matter was heard on March 7, 2011. Frear
21 Stephen Schmid appeared on behalf of Plaintiff Frank C. Carson. Terence J. Cassidy of Porter Scott
22 appeared on behalf of Defendants. After hearing oral arguments and taking the matter under
23 submission, the District Court ruled on the motion on April 20, 2011. A true and correct copy of that
24 ruling is attached hereto as Exhibit A.

25 Good cause appearing therefor:

26 IT IS HEREBY ORDERED that Defendants’ motion to dismiss Plaintiff’s claim for violation
27 of his due process rights under the Fifth and Fourteenth Amendments be GRANTED and the claim
28

1 is dismissed with prejudice;

2 IT IS FURTHER ORDERED that Defendants' motion to dismiss Plaintiff's claim for
3 violation of his rights under the First Amendment also be GRANTED and the claim is dismissed
4 with prejudice;

5 IT IS FURTHER ORDERED that Defendants' motion to dismiss Plaintiff's claim for
6 violation of his rights under the Fourth Amendment be GRANTED and the claim is dismissed
7 without prejudice.

8 Plaintiff shall have fifteen (15) days from the filing of the ruling on April 20, 2011, within
9 which to file an Amended Complaint; Defendants thereafter shall have fifteen (15) days to file a
10 response to any Amended Complaint.

11

12

13

14

15

16

17

18

19

20

IT IS SO ORDERED.

21 Dated: June 16, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

22

23

24

25

26

27

28