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8 Attorney for Plaintiff Victoriano Mendez-Garcia

9 IN THE UNITED STATES DISTRICT COURT IN AND
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 VICTORIANO MENDEZ-GARCIA

12 Plaintiff

13 v.

14
15
16 CITY OF MADERA, CITY OF MADERA
17 POLICE DEPARTMENT, MADERA
18 POLICE OFFICER JOSH CHAVEZ
(BADGE NO. 3509),
19 **THE UNITED STATES OF AMERICA,**
20 **A Sovereign Nation acting by and through**
21 **Its Agency, The Department of Homeland**
Security.

Defendants

Case No.1:13-CV-01793-MJS

STIPULATION RE FILING OF SECOND
AMENDED COMPLAINT

22
23 TO THE HONORABLE COURT:

24 IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES TO THIS ACTION by and
25 through their attorneys of record herein as follows:

26
27 1. Plaintiff filed a First Amended Complaint in this action, naming an agency of the United States

1 government as one of the defendants in this action;

2 2. The Department of Homeland Security (herein "DHS"), one of the defendants named herein, has
3 moved for an order dismissing this action on the grounds, among other arguments, that there is no
4 statutory exception for permitting an action to be brought against an agency of the United States
5 for the actions or omissions alleged;

6 3. Plaintiff asserts that the First Amended Complaint was properly brought, but based on the issues
7 raised by DHS, Plaintiff has proposed that the motion brought by DHS be withdrawn, that Plaintiff
8 be permitted to file and serve its Second Amended Complaint, naming the United States as a
9 Defendant in this action and withdrawing the action as against DHS as a party defendant, and that
10 all defendants retain all rights to assert any and all answers, defenses, denials, claims or cross
11 complaints as would be permitted in filing a response to an original complaint.
12

13 4. The court may and shall issue an order permitting the filing of the Proposed Second Amended
14 Complaint, in the form attached as Exhibit "1" and by this reference incorporated as though set
15 forth at length herein.
16

17 I agree to all of the above.

18 Dated: January 8, 2015

/s/ Lazaro Salazar

Lazaro Salazar

Attorney for Plaintiff, Victoriano Mendez-Garcia

19 I agree to all of the above.

20 Dated: January 8, 2015

/s/ Gregory L. Myers

Gregory L. Myers

Attorney for Defendants City of Madera, City of Madera
Police Department and Josh Chavez

21 I agree to all of the above.

22 Dated: January 8, 2015

/s/ Benjamin E. Hall

Benjamin E. Hall

Attorney for Defendant, DHS

Order

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Good cause appearing, the above STIPULATION RE FILING OF SECOND AMENDED COMPLAINT in Case No.1:13-CV-01793-MJS is accepted and adopted as the Order of the Court. The Second Amended Complaint shall be filed within five days of the date of this Order.

IT IS SO ORDERED.

Dated: January 9, 2015

/s/ Michael J. Song
UNITED STATES MAGISTRATE JUDGE