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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE ESTATE OF DONALD MALIK  
LEIVINGSTON, TRACI MORALES,  
individually and as successor in interest to  
the ESTATE OF DONALD MALIK  
LEIVINGSTON, ELIJAH LEIVINGSTON  
by and through his Guardian Ad Litem  
TRACI MORALES and ELIZABETH  
LEIVINGSTON, by and through her  
Guardian Ad Litem TRACI MORALES,

Plaintiffs,

v.

COUNTY OF KERN, KERN COUNTY  
SHERIFF'S DEPT., DEPUTY DAVID  
MANRIQUEZ, KERN COUNTY  
SHERIFF DONNY YOUNGBLOOD,  
HALL AMBULANCE SERVICE, INC.,  
BRENDA ROBINSON and DOES 1  
THROUGH 25, INCLUSIVE,

Defendants.

No. 1:16-cv-0188-DAD-JLT

ORDER DISMISSING PORTIONS OF  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT PURSUANT TO  
STIPULATION

(Doc. No. 56)

On November 2, 2017, the parties filed a stipulation for dismissal of portions of plaintiffs' first amended complaint presumably under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (Doc. No. 56.) Therein the parties agreed to dismiss the following causes of action with respect to the following defendants:

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- 1<sup>st</sup> Cause of Action, Wrongful Death – dismissed as to Sheriff Donny Youngblood only;
- 2<sup>nd</sup> Cause of Action, Violations of Plaintiff’s Rights under the Fourteenth Amendment, Deliberate Indifference to Serious Medical Needs – dismissed as to County of Kern only;
- 4<sup>th</sup> Cause of Action, Supervisor Liability for Violations of Plaintiff’s Rights under the Fourteenth Amendment, Deliberate Indifference to Serious Medical Needs – dismissed as to the County of Kern and Sheriff Donny Youngblood;
- 5<sup>th</sup> Cause of Action, Racial Discrimination – dismissed as to all defendants;
- 6<sup>th</sup> Cause of Action, Municipal Liability for Racial Discrimination – dismissed as to all defendants;
- 7<sup>th</sup> Cause of Action, Supervisor Liability for Racial Discrimination – dismissed as to all defendants;
- 8<sup>th</sup> Cause of Action, Intentional Infliction of Emotional Distress – dismissed as to all defendants

*(Id. at 3.)*

In light of the foregoing, the parties agree that the following causes of action proceed against the remaining defendants:

- 1<sup>st</sup> Cause of Action, Wrongful Death by all plaintiffs against Defendants Hall Ambulance Service, Inc., Brenda Robinson, Deputy Manriquez, and the County of Kern
- 2<sup>nd</sup> Cause of Action, § 1983 Violations of Plaintiffs’ Fourteenth Amendment Rights, Deliberate Indifference to Serious Medical Needs, Health and Safety against Deputy Manriquez;
- 3<sup>rd</sup> Cause of Action, § 1983 Municipal Liability for Violation of Plaintiffs’ Fourteenth Amendment Rights, Deliberate Indifference to Serious Medical Needs, Health, and Safety against the County of Kern.

*(Id. at 3–4.)*

Accordingly, the court approves the parties’ stipulation of dismissal as to the above-listed claims of the first amended complaint and the designated claims are hereby dismissed as to the

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1 specifically designated defendants. The Clerk of the Court is directed to terminate Sheriff Donny  
2 Youngblood as a defendant from this action since no claims remain against him.

3 IT IS SO ORDERED.

4 Dated: November 6, 2017

*Dale A. Floyd*  
5 UNITED STATES DISTRICT JUDGE

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