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

DARCY HARPER,

Plaintiff,

v.

COUNTY OF MERCED, et al.,

Defendants.

1:18-cv-00562-LJO-SKO

**ORDER DISMISSING THE COUNTY
OF MERCED**

(Doc. 24)

The complaint in this matter stated the following claims against the County of Merced: (1) an Americans with Disabilities Act claim for failure to provide reasonable accommodation of Plaintiff's disability when he was housed in the Merced County jail following his arrest; and (2) a *Monell* claim for failure to train Merced County sheriff deputies regarding the careful handling of detainees with mental illness and for maintaining a longstanding custom and practice of not "carefully handling" mentally ill detainees.

The County of Merced filed a motion to dismiss these claims, which was granted. (Docs. 11, 22.) Plaintiff was given an opportunity to amend the claims, but failed to do so. (*Id.*) In dismissing the claims

1 and providing Plaintiff an opportunity to amend, the Court was clear that failure to amend would result
2 in permanent dismissal of the claims. On December 18, 2018, the County of Merced filed a motion to
3 dismiss these claims with prejudice as no amended complaint was filed. (Doc. 24.)

4 Due to Plaintiff's decision not to amend the claims against the County of Merced, those claims
5 are now dismissed with prejudice and without leave to amend. There are no remaining claims against
6 the County of Merced.

7 For the reasons set forth above, IT IS HEREBY ORDERED that:

- 8 **1.** Due to Plaintiff's election not to amend the complaint, the claims against the County of
9 Merced are dismissed with prejudice and without any further leave to amend;¹ and
- 10 **2.** The County of Merced's Motion to Dismiss (Doc. 24) is GRANTED; and
- 11 **3.** The Clerk of this Court is DIRECTED to terminate the County of Merced as a party to
12 this lawsuit.

13 IT IS SO ORDERED.

14 Dated: December 19, 2018

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE

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¹ This order does not relate to any claims against DOE Defendants, some of whom are identified generally as Merced County Sheriff's Deputies.