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

**RICHARD WILLIAM KOLLIN,
individually,**

Plaintiff,

v.

**CITY OF TEHACHAPI, a governmental entity;
JARED MCCOMBS, individually; BRUCE
MEDINA, individually; AMELIA
THOMPSON, individually; CHIEF OF
POLICE KENT KROEGER, individually and
in his official capacity; and DOES 1 through 10;**

Defendants.

1:18-cv-00617-LJO-JLT

**MEMORANDUM DECISION AND
ORDER RE DEFENDANTS'
AMENDED MOTION TO DISMISS**

(ECF Nos. 34, 35)

In an order dated August 24, 2018, the Court granted in part and denied in part Defendants' motion to dismiss the First Amended Complaint. ECF No. 31. On September 21, 2018, Plaintiff filed a Second Amended Complaint. ECF No. 32. Defendants moved to dismiss only the second claim for relief, for *Monell* liability for an unconstitutional practice or procedure. ECF Nos. 34 (Motion to Dismiss), 35 (Amended Motion to Dismiss). Plaintiff filed a notice of non-opposition, requesting that the *Monell* claim be dismissed without prejudice. ECF No. 37. The Court construes Plaintiff's filing as a notice of voluntary dismissal of the *Monell* claim pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Accordingly, the Second Amended Complaint's second claim for relief, for *Monell* liability, is

1 **DISMISSED WITHOUT PREJUDICE**, and the Motion to Dismiss and Amended Motion to Dismiss
2 (ECF Nos. 34, 35) are **DENIED AS MOOT**.

3 IT IS SO ORDERED.

4 Dated: October 29, 2018

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

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