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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DORIS NEWSOME, Individually  
and as Successor-in-Interest  
to THEODORE HAYWARD, JR.,  
deceased,

No. 2:08-cv-01510-MCE-KJN

Plaintiff,

v.

**ORDER**

ARNOLD SCHWARZENEGGER, et al.,  
Defendants.

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Presently before the Court is a motion, brought on behalf of Defendants Tilton, Mendoza-Powers. Poparai, Surya and Farber-Szekrenyi, seeking summary judgment pursuant to Federal Rule of Civil Procedure 56 on grounds that said Defendants are entitled to judgment as a matter of law in this case. Doris Newsome, as mother and successor-in-interest to her son, Theodore Hayward Jr., alleges in the instant matter that Hayward's death was caused by deliberate indifference to his serious medical needs in violation of the Eighth Amendment.

1 On November 4, 2011, Plaintiff's counsel filed a Statement  
2 of Non-Opposition to Defendants' Motion (ECF No. 78) which  
3 specifically provides that Plaintiff does not oppose the motion  
4 brought on behalf of the Defendants enumerated above. Given that  
5 non-opposition, and good cause appearing therefor, Defendants'  
6 Motion for Summary Judgment (ECF No. 76) is hereby GRANTED.<sup>1</sup>  
7 Defendants Tilton, Mendoza-Powers, Boparai, Surya and Farber-  
8 Szekrenyi are hereby dismissed from this action.

9 IT IS SO ORDERED.

10 Dated: January 18, 2012

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13 MORRISON C. ENGLAND, JR.  
14 UNITED STATES DISTRICT JUDGE  
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27 <sup>1</sup> Because oral argument was not be of material assistance,  
28 the Court ordered this matter submitted on the briefs. E.D. Cal.  
Local Rule 78-230(h).