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8	UNITED STATES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA
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11	RICHARD JAQUEZ, JR., No. 2:10-cv-01040-MCE-DAD
12	Plaintiff,
13	v. ORDER
14	COUNTY OF SACRAMENTO, ET AL.,
15	Defendants.
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19	Plaintiff Richard Jaquez, Jr. ("Plaintiff") filed the
20	instant Complaint against Sacramento County and various
21	individually named Sacramento County Jail employees
22	(collectively, "Defendants") for injuries Plaintiff sustained
23	while detained in the Sacramento County Main Jail. Defendants
24	Sacramento County, Eric Maness, Jamie Lewis, and AnnMarie Boylan
25	filed a Motion to Dismiss the complaint for failure to state a
26	claim upon which relief can be granted pursuant to Federal Rule
27	of Civil Procedure Rule 12(b)(6). Plaintiff's First, Second, and
28	Sixth causes of action were not at issue in the motion.

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1 On February 1, 2011 this Court issued an order granting in 2 part Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint. (ECF No. 23.) Specifically, the order explained that 3 the Motion was granted as to Defendant County of Sacramento on 4 the Third and Fourth Causes of Action; denied as to Defendants 5 Eric Maness, Jamie Lewis, and AnnMarie Boylan on the Third and 6 7 Fourth Causes of Action; and granted as to all parties on the Fifth Cause of Action. (Id. at 8.) Plaintiff was permitted to 8 amend his complaint within twenty days from February 1, and 9 failed to do so. 10

Upon receiving no amended complaint, the Court issued an order dismissing the entire case without leave to amend. (ECF No. 30.) Plaintiff filed the instant Motion for Reconsideration, explaining that the case should not have been fully dismissed, since the Court's previous order did not grant Defendants' motion in full. (ECF No. 32.) Plaintiff, in this regard, is correct, and the Court prematurely dismissed the complaint in full.

As such, Plaintiff's Motion for Reconsideration (ECF No. 32) is GRANTED in part. The Clerk of Court is ordered to re-open the case, and the matter will proceed against all Defendants as to the First, Second, and Sixth Causes of Action and against only Defendants Eric Maness, Jamie Lewis, and AnnMarie Boylan as to the Third and Fourth Causes of Action.

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1	The Fifth Cause of Action is still dismissed as to all parties.
2	Plaintiff's request to file a Second Amended Complaint is DENIED
3	as untimely.
4	IT IS SO ORDERED.
5	Dated: April 21, 2011
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8	MORRISON C. ENGL <mark>AND, (</mark> R.) UNITED STATES DISTRICT JUDGE
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