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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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LINDSEY SHAMBERGER, as an individual and on behalf of her minor son, EC,
Plaintiffs,
v.
DANA TELLO and COUNTY OF YOLO,
Defendants.

CIV. NO. 2:14-00243 WBS DAD
ORDER

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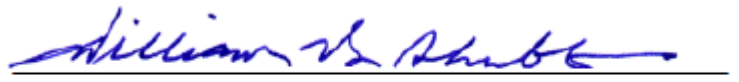
Plaintiffs Shamberger and her minor son EC allege that on January 28, 2012, Deputy Sheriff Dana Tello conducted an unreasonable search of their residence, upsetting EC and causing injury to plaintiffs' persons, psyches, health, and strength. (Compl. ¶ 1 (Docket No. 1).) Plaintiffs brought this action under 42 U.S.C. § 1983 against defendants Tello and Yolo County for their alleged violations of the Fourth Amendment. (Id.) Yolo County moved to dismiss the claims against it for failure to

1 state a claim upon which relief can be granted pursuant to
2 Federal Rule of Civil Procedure 12(b)(6), arguing plaintiffs have
3 failed to allege municipal liability under Monell v. Department
4 of Social Services, 436 U.S. 658 (1978). (See Def.'s Mot.
5 (Docket No. 16).) Plaintiff did not oppose the motion, nor does
6 plaintiff allege any basis for holding Yolo County liable under
7 Monell.

8 IT IS THEREFORE ORDERED that defendant Yolo County's
9 motion to dismiss be, and the same hereby is, GRANTED. The
10 hearing set for May 4, 2015 is vacated.

11 Plaintiffs shall have twenty days from the date this
12 Order is signed to file an amended complaint if they can do so in
13 a manner consistent with this Order.

14 Dated: April 28, 2015

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16 **WILLIAM B. SHUBB**
17 **UNITED STATES DISTRICT JUDGE**

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