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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NELSON NED FIGUEIRA, deceased, by
and through JUDITE CASTILLO,

Plaintiffs,

v.

COUNTY OF SUTTER, et al.,

Defendants.

No. 2:15-cv-00500-KJM-AC

ORDER

The court recently issued an order on the defendants' unopposed motion to dismiss the second amended complaint. Order Mar. 2, 2016, ECF No. 23; Mot. Dismiss, ECF No. 15.

The court concluded that the plaintiff's factual allegations were insufficient to support the plaintiff's claims (1) that defendant Parker was deliberately indifferent to Nelson Figueira's serious medical needs; (2) that Sutter County was deliberate indifference to Figueira's constitutional rights; (3) that defendants Parker, Samson, Bidwell, and Garza were liable for their actions as supervisors of defendant Brandwood; and (4) that defendant Parker was liable for depriving the plaintiff of her parent-child relationship. These claims were dismissed without leave to amend. *Id.* at 5.

The plaintiff also alleged Sutter County deprived her of a parent-child relationship in violation of the Fourteenth Amendment. The court's order did not specifically address this

1 claim, and Sutter County requests clarification on this point. ECF No. 24. On review of the
2 second amended complaint, the parties' briefing, and applicable law, the court now dismisses this
3 fourth claim against Sutter County without leave to amend. The complaint does not allege in any
4 more than conclusions that Sutter County maintained an unconstitutional policy, custom, or
5 practice. See Second Am. Compl. ¶¶ 47–48. Conclusions cannot withstand a motion to dismiss.
6 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); see also, e.g., *Clouthier v. Cnty. of Contra Costa*,
7 591 F.3d 1232, 1249–50 (9th Cir. 2010) (discussing the fundamentals of a claim against a
8 municipal entity under 42 U.S.C. § 1983 for its omissions and lack of adequate policies); Order
9 Oct. 23, 2015, at 11–14, ECF No. 15 (dismissing the same claims with leave to amend). For the
10 reasons described on page 4 of this court's March 2, 2016 order, leave to amend this claim is
11 denied.

12 IT IS SO ORDERED.

13 DATED: March 17, 2016.

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16 UNITED STATES DISTRICT JUDGE
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