

1 The Complaint contains only conclusory allegations that
2 Dr. Skratt and Dr. Lieser were "acting within the course and
3 scope of th[eir] employment and under color of law." (Compl. ¶¶
4 27-28.) Plaintiffs fail to include any factual allegations that
5 they were state actors and rely solely on these conclusory
6 statements. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
7 ("Threadbare recitals of the elements of a cause of action,
8 supported by mere conclusory statements, do not suffice.").
9 Moreover, in light of information that plaintiffs received from
10 defendant El Dorado County, plaintiffs do not oppose defendants'
11 motion to dismiss their § 1983 claims against Dr. Skratt and Dr.
12 Lieser. (Pls.' Opp'n 7:4-5 (Docket No. 32).)

13 IT IS THEREFORE ORDERED that the motion to dismiss
14 plaintiffs' first and third causes of action for Eighth Amendment
15 and substantive due process violations under 42 U.S.C. § 1983 as
16 against Dr. Skratt and Dr. Lieser be, and the same hereby is,
17 GRANTED.

18 Dated: January 17, 2017

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20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE

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27 previous order finding there was supplemental jurisdiction over
28 the medical malpractice claim. (See Defs.' Reply 2:1-5 (Docket
No. 33).)