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UNITED STATES DISTRICT COURT  
Northern District of California


DEREK WHEAT,  
  
Plaintiff,  
  
v.  
  
COUNTY OF ALAMEDA, *et al.*,  
  
Defendants.

No. C 11-4509 MEJ  
  
**ORDER RE PLAINTIFF’S  
MOTION TO DISMISS**  
  
**Docket No. 40**

On May 14, 2012, Plaintiff Derek Wheat filed a Motion for Sanctions against defense counsel based on an alleged “ploy by defense counsel to besmirch the reputation of his adversary in a premeditated effort to gain an unfair emotional advantage from the court.” Dkt. No. 40 at 3-4. Specifically, Plaintiff argues as follows: “The presiding judge in this case is female, and women are often unfortunately the victims of violent domestic abuse. Defense counsel concocted a story made out of "whole-cloth", in an effort to "poison the well" and turn the court against the Plaintiff. All while praying on the sensitivities of the judicial officer's gender.” *Id.* at 4. Plaintiff’s motion is DENIED. Plaintiff is hereby advised to focus on the merits of this case. Any further baseless filings may result in the imposition of sanctions, including the payment of Defendants’ attorneys’ fees and costs that result from any such filings.

**IT IS SO ORDERED.**

Dated: May 15, 2012

  
\_\_\_\_\_  
Maria-Elena James  
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT  
For the Northern District of California