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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY SCOTT MARTINEZ,
Plaintiff,
v.
CALIFORNIA HIGHWAY PATROL, et al.,
Defendants.

No. C-12-3736 MMC

**ORDER GRANTING CALIFORNIA
HIGHWAY PATROL'S MOTION TO
DISMISS; GRANTING COUNTY OF
MARIN AND MARIN COUNTY
SHERIFF'S DEPARTMENT'S MOTION
TO DISMISS; VACATING HEARING**

Before the Court are two motions to dismiss plaintiff Gregory Scott Martinez's complaint: (1) defendant California Highway Patrol's Motion to Dismiss, filed December 6, 2012; and (2) defendants County of Marin and Marin County Sheriff's Department's Motion to Dismiss, filed November 19, 2012. Plaintiff, who proceeds pro se, has not filed opposition to either motion. Having read and considered the papers filed in support thereof, the Court deems each such motion suitable for decision on the moving papers, VACATES the hearing scheduled for January 11, 2013, and rules as follows:


1. In the First, Second, and Third Claims for Relief, plaintiff alleges that two law enforcement officers, specifically, defendant California Highway Patrol Officer Perry and defendant California Highway Patrol Officer Hohmeister, violated 42 U.S.C. § 1983 by depriving plaintiff of his constitutional rights during the course of an arrest. In addition to naming the two officers as defendants to said causes of action,¹ plaintiff also names the

¹To date, neither individual officer has appeared.

1 serve such amended pleading it no later than January 22, 2013.² If plaintiff does not file a
2 First Amended Complaint by January 22, 2013, the above-titled action will proceed against
3 Officer Perry and Officer Hohmeister only.

4 **IT IS SO ORDERED.**

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6 Dated: January 2, 2013

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8 MAXINE M. CHESNEY
9 United States District Judge

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28 ²Plaintiff may not, however, add new claims or new defendants without obtaining
advance leave of court. See Fed. R. Civ. P. 15(a)(2).