

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH M. LABUGUEN,  
Plaintiff,  
v.  
WALNUT CREEK POLICE  
DEPARTMENT, et al.,  
Defendants.

Case No. [17-cv-01744-JCS](#)

**ORDER DENYING AS MOOT MOTION  
TO DISMISS**

Re: Dkt. No. 15

Defendants' motion to dismiss Plaintiff's original complaint (dkt. 15) is DENIED AS MOOT in light of the parties' stipulation to Plaintiff filing an amended complaint (dks. 25, 26). For ease of future reference, Plaintiff is instructed to file the amended complaint that was attached to that stipulation as a separate docket entry.

**IT IS SO ORDERED.**

Dated: August 25, 2017

  
\_\_\_\_\_  
JOSEPH C. SPERO  
Chief Magistrate Judge