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

MARCO HEYWARD,  
Plaintiff,

v.

CALIFORNIA HIGHWAY PATROL et al.,  
Defendants.

No. 17-cv-2890 (CRB)

**ORDER GRANTING MOTION FOR  
JUDGMENT ON THE PLEADINGS  
UNDER FEDERAL RULE OF CIVIL  
PROCEDURE 12(c)**

On April 12, 2017, Plaintiff Marco Heyward (“Heyward”) filed suit in Alameda County Superior Court against Defendants California Highway Patrol (“CHP”) and Officer Garrett Hyer. See Compl. (dkt. 1). Heyward brings claims under 42 U.S.C. § 1983 for violations of the Fourteenth Amendment, Sixth Amendment, and Cal. Penal Code § 118. Id. at 4–9. On May 19, 2017, CHP removed the action to this Court. See Not. of Removal (dkt. 1). On July 26, 2017, CHP moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). See MJOP (dkt. 11); Fed. R. Civ. P. 12(c). CHP argues that Heyward’s complaint “contains no allegations specific to CHP” and that, as a “state agency,” CHP may not be sued under 42 U.S.C. § 1983. See MJOP at 3–5.

A court may grant judgment on the pleadings under Rule 12(c) “when the moving party clearly establishes on the face of the pleadings that no material issue of fact remains to be resolved and that it is entitled to judgment as a matter of law.” Hal Roach Studios, Inc. v. Richard Feiner & Co., 896 F.2d 1542, 1550 (9th Cir. 1990) (citation omitted). The Eleventh Amendment bars § 1983 claims against CHP because it is indeed a state agency. See, e.g., Sims v. Lee et al., 651 F. App’x 570, 571 (9th Cir. 2016) (affirming district court’s dismissal

1 under the Eleventh Amendment of plaintiff's § 1983 claim against CHP).

2 Accordingly, the Court GRANTS CHP's motion for judgment on the pleadings  
3 without oral argument pursuant to Civil Local Rule 7-1(b) and VACATES the motion  
4 hearing set for September 1, 2017. That decision of course does not affect Heyward's claims  
5 against Officer Hyer. The parties are therefore ORDERED to appear for an initial case  
6 management conference on September 1, 2017, at 450 Golden Gate Avenue, 17th Floor,  
7 Courtroom 6, at 10:00 a.m.

8 The Court also DIRECTS Heyward's attention to the Handbook for Pro Se Litigants,  
9 which is available on the Court's website located at <http://cand.uscourts.gov/proselitigants>.  
10 Heyward may also contact the Legal Help Center, 450 Golden Gate Avenue, 15th Floor,  
11 Room 2796, Telephone No. (415) 782-8982, for free assistance regarding his claims.

12  
13 **IT IS SO ORDERED.**

14 Dated: August 18, 2017



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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE