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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 JULEANA STEWART,
8 Plaintiff,
9 v.
10 CITY OF OAKLAND, et al.,
11 Defendants.

Case No. [17-cv-04478-MMC](#)

**ORDER GRANTING COUNTY OF
ALAMEDA'S MOTION TO DISMISS;
VACATING HEARING**

Re: Dkt. No. 44

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13 Before the Court is the County of Alameda's ("County") Motion, filed March 9,
14 2018, "to Dismiss the First Amended Complaint and Motion to Strike Portions of the First
15 Amended Complaint." Plaintiff Juleana Stewart has filed a "Qualified Statement of Non-
16 Opposition," to which the County has replied. Having read and considered the papers
17 filed in support of and in response to the motion, the Court deems the matter suitable for
18 determination on the parties' written submissions, VACATES the hearing scheduled for
19 April 20, 2018, and rules as follows.

20 In the operative complaint, the First Amended Complaint, plaintiff alleges a single
21 claim against the County, specifically, a claim under 42 U.S.C. § 1983. By order filed
22 January 18, 2018, the Court dismissed the claim as alleged in the initial complaint, finding
23 plaintiff had failed to "allege facts regarding the specific nature of [any] challenged
24 municipal policy, custom or practice" (see Order, filed January 18, 2018, at 7:20 - 8:3)
25 (internal quotation and citation omitted), and afforded plaintiff leave to amend. In the
26 instant motion, the County contends plaintiff has failed to cure the deficiency identified in
27 the Court's prior order and, consequently, that plaintiff's claim against the County should
28 be dismissed. In her response, plaintiff states she "does not oppose" the County's


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motion. (See Pl.'s Statement, filed March 23, 2018, at 1:23-24.)¹

Accordingly, the County's motion to dismiss is hereby GRANTED, and plaintiff's claim against the County is hereby DISMISSED without further leave to amend.

IT IS SO ORDERED.

Dated: April 17, 2018


MAXINE M. CHESNEY
United States District Judge

¹Plaintiff asserts she has pleaded sufficient facts to state a claim against "Doe" defendants and requests that the order dismissing the County "make clear" that her claims against such Doe defendants have not been dismissed. (See id. at 1:25 - 2:1.) As plaintiff has not identified, let alone served, any Doe defendant and the County has not appeared on behalf of any Doe, the Court does not address herein the sufficiency of plaintiff's claims against Doe defendants.