

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4 RUSSELL D. RODGERS,

No. C 07-00520 SBA (PR)

5 Plaintiff,

**ORDER DISMISSING EXCESSIVE
FORCE CLAIM AGAINST
DEFENDANTS JUROW AND
SCHUMAKER AS WELL AS DUE
PROCESS CLAIM AGAINST
DEFENDANT HOSS**

6 v.

7 DON HORSLEY, et al.,

8 Defendants.
9 _____/

10 On November 16, 2009, the Court issued an Order of Service and directed Plaintiff to amend
11 his excessive force claim against Defendants Jurow and Schumaker as well as his due process claim
12 against Defendant Hoss. The Court gave Plaintiff until December 16, 2009 to file an amendment to
13 the complaint. He was warned the failure to do so would result in dismissal of the aforementioned
14 claims without prejudice. The time to file the amendment to the complaint has passed, and Plaintiff
15 has failed to do so. Accordingly,

16 IT IS HEREBY ORDERED that (1) excessive force against Defendants Jurow and
17 Schumaker, regarding the April 29, 2007 incident, and (2) due process against Defendant Hoss,
18 regarding Plaintiff's placement in "cell confinement" on December 23, 2006, are DISMISSED
19 WITHOUT PREJUDICE.

20 IT IS SO ORDERED.

21 DATED: 1/19/10


22 SAUNDRA BROWN ARMSTRONG
23 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RUSSELL D. RODGERS,
Plaintiff,

v.

DON HORSLEY et al,
Defendant.

Case Number: CV07-00520 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 20, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Russell Dwayne Rodgers
2458 Illinois Street
East Palo Alto, CA 94303

Dated: January 20, 2010

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk