

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 3

4 LAZARUS ORTEGA,
 5 Plaintiff,

No. C 07-04436 SBA (PR)

6 v.

**ORDER DISMISSING MUNICIPAL
 LIABILITY CLAIM AGAINST
 DEFENDANT COUNTY OF ALAMEDA**

7 DEPUTY GIAMALVO,
 8 Defendant.
 9 _____/

10 Plaintiff, a state prisoner, filed the instant pro se prisoner action under 42 U.S.C. § 1983. On
 11 June 3, 2008, the Court issued an Order in which Plaintiff was directed to amend his claim based on
 12 municipal liability against Defendant County of Alameda within thirty days. He was directed to file
 13 his amendment to the complaint within the thirty-day deadline, and that the failure to do so would
 14 result in dismissal of the claims against this Defendant without prejudice. On July 17, 2008, the
 15 Court granted Plaintiff's request for an extension of time to file his amendment to the
 16 complaint. The Court gave Plaintiff until August 18, 2008 to file an amendment to the complaint.
 17 He was warned the failure to do so would result in dismissal of his municipal liability claim without
 18 prejudice. The time to file the amendment to the complaint has passed, and Plaintiff has failed to do
 19 so.

20 IT IS HEREBY ORDERED that the municipal liability against Defendant County of
 21 Alameda is dismissed without prejudice.

22 IT IS SO ORDERED.

23 DATED: 11/13/08

Saundra B. Armstrong
 SAUNDRA BROWN ARMSTRONG
 United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 LAZARUS ORTEGA,

5 Plaintiff,

6 v.

7 ALAMEDA COUNTY SHERIFF DEPUTY et
8 al,

9 Defendant.
10 _____/

Case Number: CV07-04436 SBA

CERTIFICATE OF SERVICE

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

13 That on November 14, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
16 located in the Clerk's office.

17 Lazarus A. Ortega F23334
18 Folsom State Prison - Sacramento
19 C.S.P. SAC/B-8-227
20 P.O. Box 290066
21 Represa, CA 95671

22 Dated: November 14, 2008

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