

United States District Court  
For the Northern District of California

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

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

REGINALD L. BAKER,  
Plaintiff,  
v.  
M. CATE, et al.,  
Defendants.


No. C 08-03592 CW (PR)  
ORDER DISMISSING SUPERVISORY  
LIABILITY CLAIM AGAINST  
DEFENDANT CATE

On July 7, 2009, the Court issued an Order allowing Plaintiff to amend his supervisory liability claim against Defendant California Department of Corrections and Rehabilitation Secretary M. Cate. The Court gave Plaintiff until August 6, 2009 to file an amendment to the complaint. Failure to do so would result in dismissal of his supervisory liability claim without prejudice. The time to file the amendment to the complaint has passed, and Plaintiff has failed to do so. Accordingly,

IT IS HEREBY ORDERED that the supervisory liability claim against Defendant Cate is dismissed without prejudice.

IT IS SO ORDERED.

Dated: September 23, 2009

  
\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

REGINALD L. BAKER,  
Plaintiff,

Case Number: CV08-03592 CW

**CERTIFICATE OF SERVICE**

v.

M. CATE et al,

Defendant.

---

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 September 23, 2009, 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.

Reginald L. Baker F-24891  
Pelican Bay State Prison  
P.O. Box 7500  
Crescent City, CA 95532

Dated: September 23, 2009

Richard W. Wieking, Clerk  
By: Clara Pierce, Deputy Clerk