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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICTOR AIUTO, et al.,

Plaintiffs,

v.

SAN FRANCISCO'S MAYOR'S OFFICE OF
HOUSING, et al.,

Defendants.

No. C 09-2093 CW

ORDER DISMISSING
PLAINTIFFS' SECTION
1983 CLAIMS WITHOUT
PREJUDICE AND
CLOSING CASE

On April 16, 2010, the Court granted in part Defendants' Motion for Judgment on the Pleadings. Plaintiffs' takings claims addressed to Ordinance 320-08 were dismissed without prejudice to refiling in state court. Their facial equal protection and due process challenges to Ordinance 320-08 failed as a matter of law, and their as-applied equal protection and due process challenges to the Ordinance were deemed not ripe for review. The Court declined to exercise supplemental jurisdiction over Plaintiffs' challenge to Ordinance 320-08 based on preemption by the Costa-Hawkins Act.

The Court granted Plaintiffs fourteen days to amend their claims under 42 U.S.C. § 1983. Because Plaintiffs did not file an amended complaint within this period, the Court dismisses

1 Plaintiffs' § 1983 claims without prejudice. The case management
2 conference set for July 15, 2010 is vacated.

3 Judgment shall enter against Plaintiffs on their facial equal
4 protection and due process challenges to Ordinance 320-08. The
5 parties shall bear their own costs. The Clerk shall close the
6 file.

7 IT IS SO ORDERED.

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9 Dated: May 3, 2010



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CLAUDIA WILKEN
United States District Judge