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28United States District Court
Northern District of California

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JAMES KARIM MUHAMMAD,

Plaintiff,

vs.

**PEOPLE OF CALIFORNIA, JEFFREY STARK,
BOB CONNER, AND CYNTHIA CONEJO,**

Defendants.

Case No.: 10-CV-01449 YGR

JUDGMENT

The above matter came on regularly for trial between two parties, Plaintiff James Karim Muhammad and Defendant Bob Conner on April 16, 2012. The Defendant People of California was previously dismissed without prejudice for lack of timely service, and Defendants Jeffrey Stark and Cynthia Cornejo (named above as Cynthia “Conejo”) were previously dismissed without leave to amend pursuant to an order granting in part a defense motion to dismiss. All Doe Defendants were dismissed at the time of the commencement of trial.

Additionally, as a result of prior orders dated March 11, 2011 (Dkt. No. 62) and February 29, 2012 (Dkt. No. 136), only one issue remained to be tried between the remaining two parties: a civil rights claim arising under 42 U.S.C. section 1983 for violation of the plaintiffs Fourth Amendment right based on an alleged failure to knock and announce. That issue was tried by a jury on April 16-17, 2012, before the Honorable Yvonne Gonzalez Rogers, in the above-captioned court. Plaintiff James Karim Muhammad appeared at trial *pro se* and Defendant Bob Conner was represented at trial by Jill Sazama, Esq. and Gregory Rockwell, Esq. of Boornazian, Jensen & Garthe.

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The parties agreed to bifurcate the trial, such that the issue of liability would be decided first, and, if any liability was found, then the issue of damages would be tried. After hearing the evidence and the arguments of counsel, the jury was duly instructed by the Court as to the issue of liability, and the liability portion of the cause was submitted to the jury with directions to return a verdict on that issue. The jury deliberated, and on April 17, 2012, after returning into court and being called the jurors rendered their unanimous verdict in writing on the issue of liability, in favor of Bob Conner.

It appears by reason of the above verdict, and by reason of the Court’s prior Orders in this action, that a judgment shall be entered in this case as follows.

IT IS ORDERED THAT:

Judgment is entered in favor of Defendant Bob Conner; and that Plaintiff James Karim Muhammad take nothing by way of his Complaint against this Defendant;


Judgment pursuant to the Court’s March 11, 2011 Order Granting in Part Defendants’ Motion to Dismiss is entered in favor of Defendants Jeffrey Stark and Cynthia Cornejo; and that the Plaintiff James Karim Muhammad take nothing by way of his Complaint against these Defendants;

Bob Conner, Jeffrey Stark and Cynthia Cornejo are prevailing parties for the purpose of any recovery of allowed costs as set forth in Civil L.R. 54; and

A dismissal without prejudice based on failure to timely serve under Fed. R. Civ. P. 4(m) is entered as to the Defendant named as People of California.

IT IS SO ORDERED.

Date: May 9, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE