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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIO TRUJILLO,
Plaintiff,

v.
FRANCISCO JACQUEZ, ET AL.,
Defendants.

Case No. 10-cv-05183-YGR

**NOTICE OF TENTATIVE RULING AND
HEARING**

Re: Dkt. No. 196

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE OF THE
FOLLOWING:

Having reviewed the papers submitted and the record in this case, the Court **tentatively**
rules as follows on defendants' pending motions (Dkt. No. 196):

1. Defendants' Motion for Summary Judgment for failure to exhaust administrative remedies is tentatively:
 - a. **DENIED** as to Count III (conditions of confinement).
 - b. **GRANTED** as to Count IV (retaliation) only insofar as that claim alleges retaliation through issuance of a false rules violation report.
 - c. **GRANTED** as to Count V (conspiracy) except as to its allegations against defendants Polk and Reynoso in connection with purportedly false statements that sent plaintiff to contraband surveillance watch.
 - d. **GRANTED** as to Count VI (supervisor liability).
2. Defendants' Motion for Judgment on the Pleadings is tentatively (1) **GRANTED** as


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to Count II on the ground that it fails to state a cognizable claim for relief and (2) **DENIED** as to Counts II-V on statute of limitations grounds on the basis that those claims relate back to the initial complaint in this action.

The Court **SETS** a hearing on this motion for **January 27, 2015** on the **2 p.m.** calendar in Courtroom 1 of the U.S. District Court, 1301 Clay Street, Oakland, California. The parties shall advise the Court by **January 20, 2015** as to whether they submit to the tentative ruling. If both sides submit to the tentative ruling, then the January 27 hearing will be taken off calendar and a comprehensive order shall issue.

IT IS SO ORDERED.

Dated: January 13, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE