

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TANYA STUTSON,

Plaintiff,

vs.

WARDEN REED *et al.*,

Defendants.

Case No.: 11-CV-3979 YGR

ORDER FOLLOWING HEARING:
GRANTING MOTION OF FEDERAL
DEFENDANTS TO DISMISS WITH LEAVE TO
AMEND

United States District Court
Northern District of California

The Court held a hearing on an Order to Show Cause on December 21, 2012. The Court made the following rulings during the hearing:

Plaintiff's Amended Complaint (Dkt. No. 49) is **DISMISSED WITH LEAVE TO AMEND** her lawsuit consistent with the Court's April 25, 2012 Order Granting the Defendants' Motion to Dismiss (Dkt. No. 30, attached). Plaintiff's claims related to medical malpractice and conspiracy to conceal her lupus diagnosis are **DISMISSED WITHOUT PREJUDICE** to be filed in a separate lawsuit.

Plaintiff shall have one more opportunity to amend her claims against the Bureau of Prisons and the Doe Defendants under (1) the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2401; and (2) *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) ("*Bivens*"), for injuries relating to an alleged sexual assault in September 2006.

The deadline for Plaintiff to file her second amended complaint is **March 29, 2013**. If Plaintiff does not file a second amended complaint by March 29, 2013, the Court will dismiss this lawsuit.


The government must respond within 30 days of service of the second amended complaint.

The Federal Defendants' Motion to Dismiss (Dkt. No. 54) is **GRANTED**.

This Order terminates Docket Number 54.

IT IS SO ORDERED.

Date: December 21, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE