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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARIA DEL SOCORRO QUINTERO PEREZ C.Y., a Minor, and B.Y., a Minor,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
UNITED STATES CUSTOMS AND BORDER PROTECTION OFFICE OF BORDER PATROL, JANET NAPOLITANO, THOMAS S. WINKOWSKI, DAVID AGUILAR, ALAN BERSIN, KEVIN K. McALLEENAN, MICHAEL J. FISHER, PAUL A. BEESON, RICHARD BARLOW, RODNEY S. SCOTT, CHAD MICHAEL NELSON, and DORIAN DIAZ, and DOES 1-50,

Defendants.

CASE NO. 13cv1417-WQH-BGS

ORDER

HAYES, Judge:


On April 10, 2014, Plaintiffs Maria Del Socorro Quintero Perez, C.Y., a Minor, and B.Y., a Minor, and Defendants the United States of America, the Department of Homeland Security, United States Customs and Border Protection, the Office of Border Patrol, Janet Napolitano, Thomas Winkowski, Alan Bersin, Kevin McAleenan, Michael Fisher, Paul Beeson, Richard Barlow, and Rodney Scott, by and through their counsel,

1 filed a joint motion to dismiss Plaintiff's *Bivens* claims against the Government
2 Defendants and the individuals sued in their official capacities, as well as Plaintiff's
3 Eighth Claim for Relief seeking declaratory judgment pursuant to Federal Rule of Civil
4 Procedure 41. (ECF No. 34).

5 IT IS HEREBY ORDERED that good cause appearing, the Joint Motion to
6 Dismiss (ECF No. 34) is GRANTED as follows:

- 7 1. Plaintiffs' Second Claim for Relief (Fifth Amendment Due Process),
8 Fourth Claim for Relief (Fourth Amendment Unreasonable Seizure), and
9 Sixth Claim for Relief (Fifth Amendment Equal Protection) are
10 DISMISSED with prejudice as to Defendants the United States, United
11 States Customs and Border Protection, and the Office of Border Patrol,
12 and as to the following individuals sued in their official capacities: Janet
13 Napolitano, Thomas Winkowski, Alan Bersin, Kevin McAleenan, Michael
14 Fisher, Paul Beeson, Richard Barlow, and Rodney Scott.
- 15 2. Plaintiffs' Eighth Claim for Relief seeking Declaratory Relief Regarding
16 the Judgment Bar is DISMISSED with prejudice as to all Defendants.

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18 DATED: April 15, 2014

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20 **WILLIAM Q. HAYES**
United States District Judge

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