

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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|-------------------------|---|--------------------------|
| BRUCE GARCIA | : | |
| | : | |
| v. | : | Case No. 3:10cv795 (SRU) |
| | : | |
| OFFICER ROSARIO, et al. | : | |

RULING ON DEFENDANT ROSARIO'S MOTION TO DISMISS [Doc. #15]

Plaintiff, Bruce Garcia, commenced this action against defendants Officer Rosario and Officers John Does 1-5, all alleged to be Willimantic Police Officers. The defendants moved to dismiss all claims against defendant Rosario on the ground that there was no Officer Rosario working at the Willimantic Police Department during the relevant time period.

In response to the motion to dismiss, Garcia has filed an amended complaint naming as defendants Officers Simonson, Frechette and Hussey. In the ruling granting Garcia's motion to amend, the Court advised him that if he intended to retain defendant Rosario as a defendant, defendant Rosario must be included in the caption of the amended complaint. Because Garcia did not name defendant Rosario in the caption, any claims against Officer Rosario have been withdrawn.

Accordingly, the motion to dismiss [**Doc. #15**] is **DENIED** as moot.

SO ORDERED this 19th day of November 2010, at Bridgeport, Connecticut.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge