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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Alfred Sweet,

Plaintiff,

v.

California Association of Psychiatric
Technicians; Stephanie Clendenin, in her
official capacity as Acting Director of the
California Department of State Hospitals;
and Xavier Becerra, in his official capacity
as Attorney general of California,

Defendants.

Case No. 2:19-cv-00349-JAM-AC

**[PROPOSED] ORDER GRANTING MOTION
TO DISMISS COUNT II OF THE
COMPLAINT**

Hearing Date: June 18, 2019

Hearing Time: 1:30 p.m.

Location: Courtroom 6

Judge: The Hon. John A. Mendez

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[PROPOSED] ORDER GRANTING MOTION TO DISMISS COUNT II OF THE COMPLAINT

Defendant California Association of Psychiatric Technicians filed with this Court on April 22, 2019 a Motion To Dismiss Count II of the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). After considering the submissions of the parties in connection with the motion, the Court hereby rules as follows:

Count II is dismissed in its entirety on the ground that the count fails to state a viable claim for relief, because the legal theory upon which the count is premised is contrary to United States Supreme Court precedent. *See Minnesota State Board for Community Colleges v. Knight*, 465 U.S. 271 (1984).

IT IS SO ORDERED.

Dated: _____

John A. Mendez
United States District Judge