

UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

JOSE ARLINE DADIVAS DEVELLES,

Plaintiff,

v.

GOVERNMENT OF GUAM, *et al.*,

Defendants.

CIVIL CASE NO. 24-00019

ORDER

Jury trial in this matter on claims against the individual defendants was scheduled to commence October 26, 2026, (*see* Dkt. No. 78), with a bench trial on Count IX then to follow against the Government of Guam, (*see* Dkt. No. 126). Shortly prior to trial, though, the Government submitted briefing supporting the proposition that it is not a “person” for purposes of 42 U.S.C. § 1983, making Count IX against it not colorable. (*See* Dkt. Nos. 124 at 5–7, 150 at 2–4) (citing, e.g., *Ngiraingas v. Sanchez*, 495 U.S. 182 (1990)).

During an informal pretrial conference the morning of the jury trial, the Court addressed this issue with the parties. There, Plaintiff conceded that the Government’s argument has merit (and that Count IX against the Government should be dismissed). Accordingly, the Court DISMISSES Count IX, which is the sole remaining claim against the Government of Guam. Thus, only claims as to the individual Defendants Kendall J.N. Diaz, Aren L. Fabila, and John W. Barcinas remain for jury trial. The Clerk is DIRECTED to update the case caption accordingly.

ORDER
CIVIL CASE NO. 24-00019
PAGE - 1

1 So ORDERED 26th day of October 2026.

2
3
4 

5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26