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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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9 Jon Riley, et al.,) No. 07-CV-0692-PCT-PGR

10 Plaintiffs,)

11 vs.)

ORDER

12 Bullhead City, Bradley Holdway, Ryan)

13 Abel, John Does I-X, and Black and White)

14 Corps., I-X,)

15 Defendants.)

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17 On October 13, 2009, this Court ordered Plaintiff John Riley to file a status report
18 detailing the impact the current status of the criminal proceeding may have on the matters
19 pending before this Court, including, but not limited to, the issues previously asserted by the
20 Plaintiffs (i.e. the claims, scope and length of the trial, loss of certain causes of action by the
21 Plaintiffs, narrowing of the contested issues at trial, and/or stipulations regarding sworn
22 testimony in lieu of live witnesses).

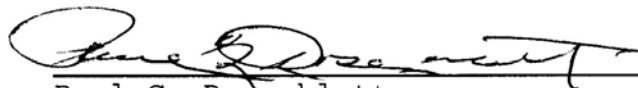
23 In response, counsel for Mr. Riley submitted a status report stating that it is his
24 opinion that the factual basis for the plea agreement has a severe impact upon the Plaintiffs'
25 causes of actions. In essence, Mr. Riley admitted to assaulting a police officer in this
26 incident. He further stated that Mr. Riley did not read the factual predicate that is attached
27 to the plea and has consulted with attorney Anthony Mullen in Bullhead City about the
possibility of filing a Motion for Post-Conviction Relief Pursuant to Rule 32 A.R.Cr.P.

1 Consequently, Mr. Riley requested that this Court continue the stay in this matter for one
2 month while his new criminal counsel determined whether a Rule 32 motion has merit. One
3 month has been and gone and this Court has once again heard nothing from Mr. Riley's
4 counsel.¹ Counsel for Plaintiff has received more than the one month he requested and has
5 not notified the Court of any movement in the criminal proceedings.

6 IT IS HEREBY ORDERED lifting the stay.

7 IT IS FURTHER ORDERED that the Court will hold a status conference on Monday,
8 **December 14, 2009, at 11:00 a.m.**

9 DATED this 3rd day of December, 2009.

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13 Paul G. Rosenblatt
14 United States District Judge
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22 ¹ As previously noted, Plaintiff's Change of Plea occurred on September 17, 2009,
23 yet this Court was not notified until October 1, 2009. Mr. Riley's trial was set for September
24 8, 2009 and was expected to last four days. In this Court's Order of July 16, 2009, Plaintiff
25 was ordered to file a notice in writing within twenty-four (24) hours of receiving a notice of
26 change in trial date for Mr. Riley's criminal trial. No such notice was filed within that
27 twenty-four hour period. The Court has not been apprised of any change of date nor any
change of status in the criminal proceeding until receiving this Notice of Change of Plea
nearly one month after the date set for trial.