

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 01-4041-TJH (PJW)

Date August 20, 2009

Title *Larry A. Jackson v. Sue Hughes*

Present: The Honorable Patrick J. Walsh, Magistrate Judge

Isabel Martinez

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None

None

Proceedings: Status (In Chambers)

In April 2003, the Court issued a stay of proceedings pending the outcome of *Hydrick, et al. v. Wilson*, CV 98-7167-TJH (RNBx)--a case which may be controlling on all issues raised by Plaintiff's Complaint. At that time, the Court denied all pending motions without prejudice.¹

In August 2007, the Ninth Circuit issued an amended opinion in *Hydrick v. Hunter*, 500 F.3d 978 (9th Cir. 2007). In May 2009, the Supreme Court vacated that decision in light of *Ashcroft v. Iqbal*, 556 U.S. ____ (2009). See *Hunter v. Hydrick*, --- S. Ct. ---, 2009 WL 1443637 (May 26, 2009).

Before the Court lifts the stay and places the matter back on calendar, Plaintiff is ordered to notify the Court no later than **September 21, 2009**, his position on whether he intends to pursue this case or not. If he does not file anything, the stay will be lifted and the case will be dismissed for failure to prosecute.² The parties

¹ The Court notes this case was terminated by clerical error on August 19, 2002. (See Docket No. 34.) The Court issued an order on August 23, 2002, to rectify that error. (See Docket No. 35.)

² The Court notes that it issued a June 12, 2009 Order directing Plaintiff to advise the Court his position on whether he intends to pursue this case or not. That Order was sent to Plaintiff's last known address at Atascadero State Hosiptial. Plaintiff did not respond to that Order and the Order was not returned as undeliverable. Though Plaintiff has not updated his address, in the Court's recent experience, many sexually violent predators housed at Atascadero State Hospital have been moved to Coalinga State Hospital. Therefore, the clerk is directed to send this Order to Plaintiff's attention at both

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are requested to discuss the applicability of *Iqbal* in any motion (or opposition).

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Initials of Preparer _____ : _____
im _____

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the Atascadero State Hospital address and also to the Litigation Coordinator at Coalinga State Hospital.