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

TIFFANY FENTERS,	)	No. CV-F-05-1630 OWW/DLB
	)	
	)	ORDER DIRECTING PARTIES TO
Plaintiff,	)	BE PREPARED TO DISCUSS CASE
	)	AT HEARING ON MOTIONS FOR
vs.	)	SUMMARY JUDGMENT
	)	
YOSEMITE CHEVRON, et al.,	)	
	)	
Defendants.	)	
	)	

The parties are ordered to be prepared to discuss at the hearing on the motions for summary judgment, *Bielanski v. County of Kane*, 550 F.3d 632, 642-643 (7<sup>th</sup> Cir.2008), where the Seventh Circuit held:

[W]e have stated that the Fourth Amendment 'drops out of the picture following a person's initial appearance in court.' *Hernandez v. Sheahan*, 455 F.3d 772, 777 (7<sup>th</sup> Cir.2006). The travel restrictions and the meeting with the probation officer were restrictions imposed by a judge once *Bielanski* appeared in court, and so a Fourth Amendment claim against these defendants cannot stand. In short, *Bielanski* has failed to allege a seizure (continuing or otherwise)

1                   by these defendants and thus has no claim  
2                   under the Fourth Amendment.

3 IT IS SO ORDERED.

4 **Dated:** April 6, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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