

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BESSIE IRENE WALTZ,	)	1:07-cv-1691-SMS
)	
Plaintiff,	)	ORDER STAYING THIS ACTION PENDING
v.	)	CONSIDERATION OF PETITION FOR
	)	CERTIORARI
UNITED STATES OF AMERICA)	
DEPARTMENT OF AGRICULTURE, et	)	ORDER DIRECTING THE PARTIES TO
al.,	)	INFORM THE COURT UPON LEARNING OF
	)	DENIAL OF THE PETITION FOR
Defendants.	)	CERTIORARI
)	
	)	ORDER DIRECTING THE PARTIES TO
	)	PARTICIPATE IN, AND PLAINTIFF TO
	)	ARRANGE, A TELEPHONIC STATUS
	)	CONFERENCE CONCERNING THE
	)	PETITION FOR CERTIORARI AND THE
	)	MOTION TO DISMISS

Date: February 23, 2010
Time: 9:30 a.m.

Plaintiff is proceeding with a civil action in this Court. The matter has been referred to the Magistrate Judge for all proceedings, including the entry of final judgment, pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73(b), and Local Rule 73-301. Pending before the Court is Defendant's motion to dismiss the action. Participating in a telephonic status conference concerning the motion that was held at 9:35 a.m. on October 19,

1 2009, were James J. Banks for Plaintiff and Ernest Robert Wright
2 of the United States Attorney's Office.

3 I. Stay of the Action

4 The Court notes that a petition for writ of certiorari has
5 been filed in the United States Supreme Court with respect to
6 Marley v. United States, 567 F.3d 1030 (9th Cir. 2009), a decision
7 that is on point and dispositive with respect to at least some of
8 the issues raised in Defendant's motion to dismiss. In the
9 interest of the efficient administration of justice, the Court
10 exercises its discretion to stay the instant action pending
11 determination of the petition for writ of certiorari.

12 The parties and their counsel ARE DIRECTED to inform the
13 Court upon learning that the petition for certiorari has been
14 denied.

15 The parties ARE DIRECTED to participate in a telephonic
16 status conference to be held on February 23, 2010, at 9:30 a.m.
17 Plaintiff's counsel IS DIRECTED to arrange a conference call with
18 the other parties and direct it to Frances Robles at (559) 499-
19 5690 at the appointed time.

20 **IT IS SO ORDERED.**

21 **Dated: October 19, 2009**

22 **/s/ Sandra M. Snyder**
UNITED STATES MAGISTRATE JUDGE

23
24
25
26
27
28