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

HILARIO BARRAZA)	CASE NO. 1:10-cv-01090 LJO JLT
Plaintiff,)	
v.)	ORDER LIFTING STAY
SHAFTER POLICE DEPARTMENT,)	ORDER ON STIPULATION GRANTING
MATTHEW SHELTON; CHARLIE)	LEAVE TO FILE THE SECOND AMENDED
FIVECOAT, CITY OF SHAFTER, AND DOES)	COMPLAINT
1 THROUGH 25, INCLUSIVE,)	
Defendants.)	(Doc. 17)

On September 1, 2010, the Court granted the stipulated request to stay the action to allow time for the Kern County Superior Court to decide Plaintiff’s California Government Code section 946.6 petition. On October 15, 2010, the parties filed a stipulation with the Court that recited that on October 14, 2010, the Kern County Superior Court denied Plaintiff’s petition. (Doc. 17 at 2) As a result, Plaintiff cannot assert state law claims arising under the California Government Claims Act. Therefore, the parties have agreed that Plaintiff will have 20 days to file a Second Amended Complaint. Id.

Based upon the foregoing, the Court **ORDERS**,

1. The stay of the matter is lifted and the Clerk is ordered to reopen this matter;
2. Plaintiff is granted 20 days leave, from the date this order is filed, to file a Second Amended Complaint;

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3. The Mandatory Scheduling Conference is set on January 5, 2011 at 9:30 a.m. at 1200 Truxtun Avenue, Suite 120, Bakersfield, CA 93301. Telephonic appearances are encouraged. The parties are ordered to prepare and file a joint scheduling conference statement as set forth in the Court's order dated June 16, 2010. (Doc. 7)

IT IS SO ORDERED.

Dated: October 15, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE