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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **MIKE E. BARBA, BARBRA BARBA, and**
9 **TYE BARBA,**

10 **Plaintiffs**

11 **v.**

12 **CITY OF SHAFTER, RANDY**
13 **MILLIGAN, JOSHUA STEPHENS, and**
14 **DOES 1 through 20,**

Defendants

CASE NO. 1:12-CV-0195 AWI JLT

ADDITIONAL ORDER ON
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND ORDER
FOR PARTIES TO CONTACT THE
MAGISTRATE JUDGE

(Doc. No. 43)

15 On February 26, 2015, the Court granted in part and denied in part Defendants' motion for
16 summary judgment. See Doc. No. 51. As part of that order, the Court ordered Plaintiffs to show
17 cause why summary judgment should not be granted on: (1) all claims alleged against Defendant
18 Joshua Stephens; and (2) Plaintiffs' Fourteenth Amendment claims. See id. With respect to the
19 claims against Stephens, the evidence demonstrated that there was probable cause to detain and
20 admit Plaintiff Mike Barba under California Welfare & Institutions Code Sec. 5150, and Stephens
21 did not use his taser against Barba. See id. The evidence did not appear to indicate any viable
22 claims against Stephens. See id. With respect to the Fourteenth Amendment familial relationship
23 claims, the Court noted that the interference appeared to be based on Barba's detention, but that
24 the detention was justified under Sec. 5150. See id. That is, there did not appear to be
25 unwarranted interference by Defendants. See id.

26 Plaintiffs were ordered to present evidence and show cause in writing no later than March
27 13, 2015. See id.

28 On February 27, 2015, the parties filed a stipulation to alter Defendants' reply date. See

1 Doc. No. 52. The Court granted the stipulation the same day. See Doc. No. 53. In that order, the
2 Court corrected a characterization of the additional briefing that was to be submitted. See id. The
3 Court explained that Plaintiffs had been ordered to show cause, and if they failed to do so, then
4 summary judgment on their Fourteenth Amendment claims and all claims against Defendant
5 Stephens would be granted. See id.

6 March 13, 2015 has passed, and Plaintiffs filed no response of any kind to the Court's
7 show cause order. Because Plaintiffs have failed to show cause, and pursuant to the Court's prior
8 warning and orders, additional summary judgment in favor of Defendants will be granted.

9
10 **ORDER**

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Defendants' motion for summary judgment on Plaintiffs' Fourteenth Amendment familial
13 relationship claims and all claims against Defendant Joshua Stephens is GRANTED; and
14 2. The parties shall contact the Magistrate Judge with fourteen (14) days of service of this
15 document for the purpose of setting new pre-trial and trial dates in this case.

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17 IT IS SO ORDERED.

18 Dated: March 16, 2015

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SENIOR DISTRICT JUDGE