

1 BENJAMIN B. WAGNER
United States Attorney
2 BENJAMIN E. HALL
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099

5 Attorneys for Defendant DHS
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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
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12 VICTORIANO MENDEZ GARCIA,
13 Plaintiff,
14 v.
15 CITY OF MADERA, CITY OF MADERA
POLICE DEPARTMENT, MADERA POLICE
16 OFFICER JOSH CHAVEZ (BADGE NO.
3509), DHS, US AGENCY,
17 Defendants.
18

Case No. 1:13-cv-01793-MJS

**STIPULATION AND ORDER TO
CONTINUE HEARING ON
DEPARTMENT OF HOMELAND
SECURITY'S MOTION TO DISMISS**

Date: December 12, 2014
Time: 9:30 a.m.
Ctrm: 6

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20 The parties to this action hereby stipulate and request that the Court continue to January 9,
21 2015, the hearing on Defendant Department of Homeland Security's Motion to Dismiss ("Motion,"
22 ECF No. 27) for the following reasons. Plaintiff has made a proposal to resolve some or all of the
23 legal issues raised in the Motion through a stipulation for the filing of a Second Amended
24 Complaint. Counsel request a continuance of the hearing in order to allow time for evaluation and
25 discussion of Plaintiff's proposal and for the potential resolution of disputed legal issues in this case
26 without further involvement of the Court.

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Dated: November 26, 2014

Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney

/s/ Benjamin E. Hall
BENJAMIN E. HALL
Assistant U.S. Attorney
Attorney for Defendant DHS

Dated: November 26, 2014

SALAZAR & COOK, L.L.P.

/s/ Lazaro Salazar
LAZARO SALAZAR
Attorneys for Plaintiff

Dated: November 26, 2014

LAW OFFICES OF GREGORY L.
MYERS

[Authorized November 26, 2014]

/s/ Gregory Lee Myers
GREGORY LEE MYERS
Attorney for Defendants City of Madera
and Josh Chavez

ORDER

Good cause appearing, IT IS HEREBY ORDERED that the hearing on Defendant Department of Homeland Security’s Motion to Dismiss (ECF No. 27) is continued to January 9, 2015, at 9:30 a.m. in Courtroom 6.

IT IS SO ORDERED.

Dated: December 1, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE