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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

STEPHEN A. CARROLL,
Plaintiff
v.
CITY OF MODESTO and DOES 1 to 5,
Defendants

CASE NO. 1:15-CV-1691 AWI SKO
**ORDER LIFTING STAY AND SETTING
BRIEFING SCHEDULE**

This case is currently stayed pending a criminal trial against Plaintiff in Stanislaus County.
See Doc. No. 14.

On February 17, 2017, Defendant filed a status report in response to a Court order. See Doc. Nos. 18, 19. In the status report, Defendant states that Plaintiff sent an e-mail to defense counsel. The e-mail informed defense counsel that the criminal case against Plaintiff was dismissed on November 29, 2016, and that a motion for return of Plaintiff's property was denied sometime in February 2017. See Doc. No. 19.

Because it appears that the criminal case against Plaintiff has now concluded, it is appropriate to lift the stay so that this case may proceed. Currently pending before the Court is Defendant's Rule 12(b)(6) motion to dismiss. See Doc. Nos. 4, 5. The Court will set a briefing schedule in order to resolve Defendant's motion.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The stay in this case, which was imposed on February 1, 2016, is LIFTED;
- 3 2. Plaintiff shall file an opposition to the Defendant's motion to dismiss (Doc. Nos. 4, 5) no
- 4 later March 10, 2017;¹ and
- 5 3. Defendant shall file a reply to Plaintiff's opposition on or by March 17, 2017.²

6 IT IS SO ORDERED.

7 Dated: February 17, 2017

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9 SENIOR DISTRICT JUDGE

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27 ¹ Plaintiff is reminded that the Clerk of the Court must be in actual possession of an opposition on or by March 10, 2017. It is insufficient for an opposition to simply be mailed on or before March 10, 2017.

28 ² Once all briefing has been received, if the Court determines that a hearing on Defendant's motion is necessary, it will set a hearing date at that time.