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2
3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
5

6 **MELISSA M. NEYLON and SHAWN P.**
7 **NEYLON,**

8 **Plaintiffs**

9 **v.**

10 **COUNTY OF INYO, INYO COUNTY**
11 **SHERIFF'S OFFICE, BILL LUTZE,**
12 **DOUGLAS RICHARDS, and DOES 1 to**
13 **50,**

14 **Defendants**

CASE NO. 1:16-CV-00712 AWI JLT

ORDER VACATING HEARING AND
ORDER ON PLAINTIFFS' REQUEST
TO CONSIDER RECENT AUTHORITY

(Doc. No. 16)

15 Currently pending before the Court is Defendants' motion to dismiss. Hearing on the
16 motion to dismiss is set for September 12, 2016. The Court has reviewed the papers and has
17 determined that this matter is suitable for decision without oral argument. See Local Rule 230(g).

18 Additionally, on August 29, 2016, Plaintiffs filed an opposition, and on September 2, 2016,
19 Defendants filed a reply. On September 6, 2016, Plaintiffs filed a request to consider recent
20 authority. See Doc. No. 16. The recent authority is an order on a Rule 12(b)(6) motion from the
21 Central District of California. See id. The order involves similar issues to those raised in this case
22 and was issued on August 30, 2016. See id. The Court will consider the recent decision from the
23 Central District, and will give Defendants the opportunity to respond.¹ If Defendants respond to
24 the recent authority, and if the Court determines that a hearing would be beneficial, then the Court
25 will set a new hearing date at that time. Otherwise, there will be no hearing on Defendants'
26 motion to dismiss.

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28 ¹ By granting Plaintiffs' request, the Court is expressing no opinion as to the merits of Defendants' motion or to the persuasive value, if any, of the Central District's order.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The September 12, 2016 hearing date on Defendants' motion to dismiss is VACATED;
- 3 2. Plaintiff's request to consider recent authority is GRANTED; and
- 4 3. If Defendants desire to respond to the recent authority identified by Plaintiffs, then
5 Defendants may file a response on or by 4:00 p.m. on September 9, 2016.

6 IT IS SO ORDERED.

7 Dated: September 6, 2016

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9 SENIOR DISTRICT JUDGE