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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA

7
8 ANTHONY CEASAR HERNANDEZ,

9 Plaintiff,

10 v.

11 BALLAM, et al.,

12 Defendants.

Case No.: 1:17-cv-00468-LJO-BAM (PC)

ORDER REGARDING DEFENDANTS'
STATUS REPORT

ORDER REQUIRING SECOND STATUS
REPORT BY DEFENDANTS WITHIN
NINETY (90) DAYS

[Doc No. 64]

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15 Plaintiff Anthony Ceasar Hernandez is a state prisoner proceeding *pro se* and *in forma*
16 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This case proceeds on
17 Plaintiff's second amended complaint alleging excessive force in violation of the Eighth
18 Amendment against Defendants Perez and Duran, and for the failure to intervene in the use of
19 excessive force against Defendant Ballam.

20 On July 9, 2018, the Court stayed this matter pending the resolution of Plaintiff's ongoing
21 criminal case that concerns the same events at issue in this case. (Doc. No. 56.) The Court
22 further ordered Defendants to file a status report, within ninety (90) days of that order, setting
23 forth the status of Plaintiff's criminal case. (*Id.* at 6.)

24 On October 8, 2018, Defendants timely submitted a status report. (Doc. No. 64.)¹ The
25 status report reflects that a trial setting hearing was held on September 21, 2018 in Plaintiff's
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27 ¹ October 8, 2018 was a federal legal holiday, and therefore the Court was closed, which extended the
28 deadline for Defendants' compliance with the Court's order. *See* Fed. R. Civ. P. 6(a)(1)(C).
Nevertheless, the Court's CM/ECF electronic filing system accepted filings on October 8, 2018.

