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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY CEASAR HERNANDEZ,
Plaintiff,
v.
BALLAM, et al.,
Defendants.

Case No.: 1:17-cv-00468-LJO-BAM (PC)
ORDER LIFTING STAY OF PROCEEDINGS
ORDER REQUIRING DEFENDANTS TO
FILE RESPONSIVE PLEADING WITHIN 21
DAYS
[Doc No. 69]

Plaintiff Anthony Ceasar Hernandez is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Third Amended Complaint, filed on April 19, 2018, against Officers Perez and Duran for excessive force, and against Sergeant Ballam for the failure to intervene in the use of excessive force, in violation of the Eighth Amendment. (Doc. No. 45.)

On July 9, 2018, the Court stayed this matter pending the resolution of Plaintiff's ongoing criminal case that concerned the same events at issue in this case. (Doc. No. 56.) Currently before the Court is Defendants' second status report regarding Plaintiff's criminal matter, filed on January 7, 2019. (Doc. No. 69.) The report is supported by a docket summary from the criminal matter, *People v. Hernandez*, Madera County Superior Court Case No. MCR055598. (*Id.* at Ex. A.)

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1 According to the status report, Plaintiff's criminal case is now resolved, and he has
2 pleaded and been found guilty of a misdemeanor in that action. Plaintiff was further sentenced
3 and remanded into custody for execution of the sentence. Now that the related criminal matter
4 has been resolved, this civil case is ready to proceed.

5 Based on the foregoing, it is HEREBY ORDERED that:

- 6 1. The stay of proceedings in this case is lifted; and
- 7 2. Defendants shall respond to Plaintiff's Third Amended Complaint within twenty-
8 one (21) days of the date of service of this order.

9
10 IT IS SO ORDERED.

11 Dated: January 8, 2019

/s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE