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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIKAL JONES, et al.,

Case No. 1:17-cv-01260-SKO

Plaintiffs,

**ORDER DEFERRING RULING ON
DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT**

v.

COUNTY OF TULARE, CALIFORNIA, et
al.,

Defendants.

On March 6, 2019, the Court issued an order deferring ruling on Defendants’ “Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment” (the “Motion”) (Doc. 16) and staying the case pending resolution of the case *Dilday et al. v. Jones et al.*, Case No. F077682, on appeal before the California Fifth District Court of Appeal (the “State Court Appeal Action”). (Doc. 30.) On April 26, 2022, Plaintiff filed a notice that a remittitur had been issued in the State Court Appeal Action. (Doc. 44.)

On May 2, 2022, the Court lifted the stay and directed the parties to submit briefing on the effect of the ruling in the State Court Appeal Action on Defendants’ Motion. Having reviewed the parties’ briefing (Docs. 47–49), the Court finds that it cannot make this determination until after the State Court Appeal Action is final, that is, until there has been no petition for certiorari filed with the United States Supreme Court and the deadline to do so—July 19, 2022—has passed.

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Accordingly, **by no later than July 27, 2022**, the parties shall file a joint status report apprising the Court of the status of any appeal (or lack thereof) of the State Court Appeal Action to the United States Supreme Court. **Determination of the Motion will continue to be deferred until receipt of the parties' report.**

IT IS SO ORDERED.

Dated: **June 17, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE