

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LARRY GANNER, No. CIV S-07-2597-LKK-CMK-F

Plaintiff,

ORDER

ERIC AZARVAND, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983 raising claims related to his arrest. Pending before the court is plaintiff's motion for preliminary injunction (Docket No. 39).

20 On December 23, 2008, the court stayed these proceedings pending the outcome
21 of ongoing criminal proceedings related to the alleged civil rights violations, see Wallace v.
22 Kato, 127 S.Ct. 1091 (2007), and required plaintiff to submit a status report within 30 days of
23 entry of judgment in the criminal case. In his status report, plaintiff indicates that judgment was
24 entered and he was sentenced on February 17, 2009, to a prison term of 6 years and 8 months.
25 This sentence was imposed pursuant to a plea agreement. Plaintiff adds that, under the terms of
26 the plea agreement, he preserved his right to appeal the trial court's denial of his motion to

1 suppress evidence. According to plaintiff, that appeal is still pending. The court hereby
2 continues the stay of these proceedings put in place in December 2008 and requires plaintiff to
3 submit a further status report within 30 days after final decision on the pending state court
4 appeal.

5 IT IS SO ORDERED.
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7 DATED: April 13, 2009
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10 CRAIG M. KELLISON
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12 UNITED STATES MAGISTRATE JUDGE
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