IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

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

        Plaintiff,

  vs.   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.

        On December 23, 2008, the court stayed these proceedings pending the outcome of ongoing criminal proceedings related to the alleged civil rights violations, see Wallace v. Kato, 127 S.Ct. 1091 (2007), and required plaintiff to submit a status report within 30 days of entry of judgment in the criminal case. Plaintiff submitted a status report on March 4, 2009, In this status report, plaintiff indicated that judgment was entered and he was sentenced on February 17, 2009, to a prison term of 6 years and 8 months. This sentence was imposed pursuant to a plea agreement. Plaintiff added that, under the terms of the plea agreement, he preserved his right to appeal the trial court's denial of his motion to suppress evidence. At the time plaintiff

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1 submitted his status report, the appeal was pending.

2   On April 14, 2009, the court continued the stay and directed plaintiff to submit a

3 further status report following conclusion of the state court appeals process. Plaintiff submitted a

4 second status report on February 10, 2010. Plaintiff stated that the state court appeals process

5 concluded on January 21, 2010, with the denial of a petition for review by the California

6 Supreme Court. Plaintiff added that he was planning to pursue federal habeas corpus remedies.

7 Plaintiff will now be required to submit a further status report advising the court as to the current

8 status of any federal habeas corpus proceedings. Plaintiff is cautioned that failure to comply

9 could result in dismissal of the action. See Local Rule 110.

10   Accordingly, IT IS HEREBY ORDERED that plaintiff shall submit a status report

11 within 30 days of the date of this order.

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13   DATED: June 29, 2011

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15   **CRAIG M. KELLISON**
                                                    UNITED STATES MAGISTRATE JUDGE
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