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

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|--------------------------------|---|-----------------------|
| VALETTA McMURRAY, |) | |
| |) | 2:09-cv-02245-GEB-EFB |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| COUNTY OF SACRAMENTO; DEPUTY |) | |
| SHERIFF JAVIER BUSTAMANTE, and |) | |
| DEPUTY SHERIFF L. CULP, |) | |
| |) | |
| Defendants*. |) | |
| _____ |) | |

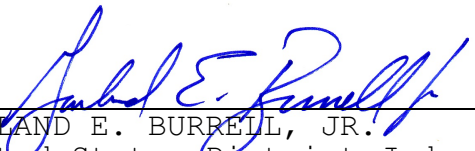
Defendants filed a trial brief on January 10, 2012, in which they argue "Plaintiff has no standing to assert Fourth Amendment claims personal to decedent" since "she has not (and cannot) satisfy the requirements of California Code of Civil Procedure Section 377.32." (ECF No. 71, 6:14-18.) "On this basis," Defendants argue, "any claims asserted on behalf of decedent should be dismissed." Id. at 6:17-18.

Defendants did not raise this standing issue in law and motion, and the prescribed last hearing date for such matters has passed. However, since it is unclear whether Plaintiff's standing to "assert claims on behalf of decedent" concerns the Court's jurisdiction

* The caption has been amended in accordance with the November 9, 2011 Order, which adopted in full the Magistrate Judge's Findings and Recommendations on Defendants' motion for summary judgment/adjudication.

1 over some of Plaintiff's claims, each party shall file a brief
2 addressing these matters no later than 4:00 p.m. on January 17, 2012.
3 Any response brief shall be filed no later than 4:00 p.m. on January 20,
4 2012.

5 Dated: January 11, 2012

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9 GARLAND E. BURRELL, JR.
10 United States District Judge
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