

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JUROR NUMBER ONE,
Plaintiff,

NO. CIV. 2:11-397 WBS JFM

v.

ORDER RE: MOTION TO DISMISS

STATE OF CALIFORNIA; HONORABLE
MICHAEL P. KENNY, Judge of the
Superior Court; FACEBOOK,
INC., a Delaware corporation
authorized to do business in
California; GEORGE CHRISTIAN;
TOMMY CORNELIUS, JR.; SAMUEL
KEMOKAI, JR.; DEMETRIUS
ROYSTER; XAVIER WHITFIELD,

Defendants.

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Plaintiff Juror Number One was the jury foreperson in a
criminal trial in Sacramento County Superior Court before the
Honorable Michael P. Kenny and brought this action to prevent
Judge Kenny from ordering him to release comments he made on
Facebook during the trial. This court denied plaintiff's ex
parte motion for a temporary restraining order and preliminary

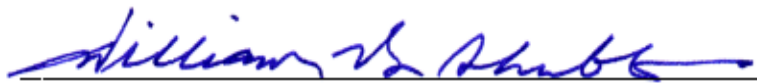
1 injunction, concluding that the court must abstain under Younger
2 v. Harris, 401 U.S. 37 (1971). See Juror Number One v.
3 California, No. 2:11-397, 2011 WL 567356 (E.D. Cal. Feb. 14,
4 2011).

5 Now, defendant State of California moves to dismiss the
6 claims against it or, in the alternative, requests the court to
7 abstain from hearing plaintiff's claims against it. (Docket No.
8 17.) Plaintiff filed a statement of non-opposition to the
9 State's motion, agreeing that abstention is appropriate because
10 the matter is currently before the California Supreme Court.
11 (Docket No. 18.) In light of the parties' agreement and this
12 court's discussion in its prior order, Juror Number One, 2011 WL
13 567356, at *2, the court will abstain from hearing plaintiff's
14 claims against the State and grant the State's motion to dismiss.

15 IT IS THEREFORE ORDERED that the State of California's
16 motion to dismiss plaintiff's claims against it be, and the same
17 hereby is, GRANTED.

18 IT IS FURTHER ORDERED that the hearing scheduled for
19 April 11, 2011, at 2:00 p.m. on the State's motion to dismiss be
20 VACATED.

21 DATE: March 31, 2011

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24 WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
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