

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

TYRONE ADAMS,

Plaintiff,

No. CIV S-11-0826 GEB CKD PS

vs.

CHARLES EASLEY, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Defendants’ motions to dismiss and motion for sanctions came on regularly for hearing January 25, 2012. Plaintiff Tyrone Adams, who is proceeding pro se, appeared on his own behalf. Derek Haynes appeared on behalf of defendants Sutter County, Boyer, Cagle, Bagley (“Sutter” defendants). Matthew Day appeared on behalf of the defendants moving to dismiss (“Easley” defendants). Plaintiff submitted additional documents at the hearing. Upon review of the documents in support and opposition, upon hearing the arguments of plaintiff and counsel, and good cause appearing therefor, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. No later than February 9, 2012, defense counsel for the parties moving for sanctions shall submit a supplemental declaration regarding any additional fees which have been incurred subsequent to the filing of the motion for sanctions and detailed billing reflecting time

1 spent on various tasks; defendants shall also submit declarations from other public entity defense  
2 attorneys supporting the claimed hourly rates.

3 2. No later than February 16, 2012, plaintiff may file a five page document  
4 responding to the supplemental declarations. The motion for sanctions will thereafter stand  
5 submitted.

6 3. The court will issue findings and recommendations on the motions to dismiss  
7 in conjunction with the findings and recommendations to be issued on the motion for sanctions.

8 4. Plaintiff's motion to stay (dkt. no. 91) is denied.

9 5. Plaintiff has requested the undersigned recuse herself from this action. The  
10 court finds that recusal is not warranted under any of the provisions of 28 U.S.C. § 455.

11 6. The January 4, 2012 order limiting plaintiff's pleadings is modified. In  
12 addition to the pleadings allowed in that order, due to the death of defendant Trefcer, plaintiff  
13 may file a motion to substitute under Federal Rule of Civil Procedure 25.

14 Dated: January 26, 2012

15   
16 CAROLYN K. DELANEY  
17 UNITED STATES MAGISTRATE JUDGE

18 <sup>4</sup>  
19 adams3.oah