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

KENNETH GENE MONTGOMERY,

Plaintiff,

No. CIV S-11-3304 GGH P

vs.

SGT. BROOKS, et al.

Defendants.

ORDER

_____ /

On May 1, 2012, defendant Officer Parker filed a "Notice of Filing Bankruptcy," notifying the court that he had filed a petition under Chapter 7 of Title 11 in the United States Bankruptcy Court for the Eastern District of California, case no. 12-28505.

Pursuant to 11 U.S.C. § 362, the filing of the petition operates as a stay against, among other things, the continuation of a judicial proceeding against the debtor that was commenced prior to the bankruptcy filing. See 11 U.S.C. § 362(a)(1).

In light of the automatic stay prohibiting continuation of the proceedings against the debtor, the remaining, non-debtor parties, including the plaintiff, are ordered to show cause within 14 days why the entire action, against all defendants, should not also be stayed. See e.g., In re Excel Innovations, Inc., 502 F.3d 1086, 1098 (9th Cir. 2007), citing A.H. Robins Co., Inc. v. Piccinin, 788 F.2d 994, 999 (4th Cir. 1986); Parker v. Bain, 68 F.3d 1131, 1137 (9th Cir. 1995), citing Maritime Elec. Co. v. United Jersey Bank, 959 F.2d 1194, 1204-06 (3d Cir. 1992).

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In accordance with the above, IT IS HEREBY ORDERED that:

1. This action is stayed against defendant Officer Parker.
2. The hearing on defendants' motion to dismiss, currently scheduled for June 7, 2012, is vacated.
3. Within 14 days of the filing date of this order, the non-debtor parties shall show cause why this action should not be stayed against all remaining defendants.

DATED: May 11, 2012

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH/rb
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