1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MARVIN GILLAM & PAMALA No. 2:14-cv-2217-KJM-KJN PS GILLAM, 12 Plaintiffs, 13 **ORDER** v. 14 CITY OF VALLEJO, et al., 15 16 Defendants. 17 18 On May 22, 2015, plaintiffs filed a motion to amend their complaint. (ECF No. 17.) 19 20 21 22 without prejudice.

However, in accordance with the court's prior order, any formal discovery and motion practice in this case remain stayed until a scheduling order or other appropriate order issues. (ECF No. 16.) No such order has issued. Therefore, the court denies plaintiffs' motion at this juncture, but

The parties are due to file a joint status report regarding the status of plaintiffs' efforts to obtain counsel and proposed dates for scheduling the case on June 1, 2015. (ECF No. 16.) As part of that status report, the parties shall also propose an appropriate deadline for filing motions to amend the pleadings. Additionally, plaintiffs are reminded that, once the temporary stay on motion practice is lifted by court order, they should first attempt to seek a stipulation from defendants to file an amended complaint before filing a motion for such relief with the court.

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Any such motion shall be accompanied by a declaration from plaintiffs, under penalty of perjury, indicating that they first sought a stipulation to amend the complaint from defendants, but were unsuccessful. Importantly, the declaration shall also outline the parties' efforts to meaningfully meet and confer regarding such a proposed amendment. Furthermore, any motion shall be properly noticed for hearing pursuant to Local Rule 230. Failure to comply with these requirements may result in a summary denial of such motion.

Accordingly, IT IS HEREBY ORDERED that plaintiffs' motion to amend (ECF No. 17) is denied without prejudice.

Dated: May 28, 2015

KENDALL J. NEWMAN

UNITED STATES MAGISTRATE JUDGE