## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

SEAN PATRICK REARDON,

Plaintiff,

v.

CITY OF CHICO, et al.,

Defendants.

No. 2:15-CV-02410-MCE-CMK

**ORDER** 

By way of this action, Plaintiff Sean Patrick Reardon ("Plaintiff") seeks to recover from Defendants for injuries sustained when City of Chico police officers purportedly utilized excessive force during the course of Plaintiff's arrest. Defendants have now moved for summary judgment arguing, among other things, that Plaintiff's federal excessive force claim is barred under the doctrine set forth in Heck v. Humphrey, 512 U.S. 477 (1994), because Plaintiff sustained a felony conviction for resisting an executive officer in violation of California Penal Code section 69 based on the same incident underlying his current Complaint. Plaintiff does not oppose Defendant's Heck argument on the merits and argues in response only that he has appealed from his convictions and that a reversal would negate Defendants' contention.

<sup>&</sup>lt;sup>1</sup> Plaintiff was also convicted of a misdemeanor hit and run under California Vehicle Code section 2002(a).

Given the lack of finality of Plaintiff's convictions and the desire to avoid piecemeal and/or unnecessary adjudication of the merits of Plaintiff's claims, the Court hereby DENIES Defendants' Motion for Summary Judgment (ECF No. 28) without prejudice to renewal once Plaintiff's appeal is resolved. All pending dates in this case are hereby VACATED, and this case is STAYED until Plaintiff's conviction is final. Not later than sixty days following the date this order is electronically filed, and every sixty days thereafter until the stay is lifted, the parties are directed to file a joint status report advising the Court regarding the status of Plaintiff's criminal proceedings.

IT IS SO ORDERED.

Dated: January 3, 2018

MORRISON C. ENGLAND, JR UNITED STATES DISTRICT JUDGE