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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAYLA FRISELLA, et al.,
Plaintiffs,
v.
HARWINDER BISLA, et al.,
Defendants.

No. 2:16-cv-0586 CKD

ORDER

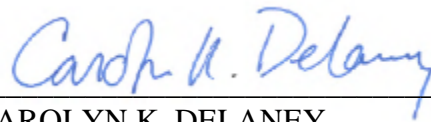
This matter is presently set for a jury trial on November 6, 2017 at 9:00 am, with the pretrial conference set for September 20, 2017 at 11:00 am. (ECF No. 19.) Plaintiffs filed a joint pretrial statement on September 1, 2017, which was signed by counsel for plaintiffs, but not by pro se defendant Harwinder Bisla. (ECF No. 22.) Plaintiffs indicate that Mr. Bisla is currently incarcerated in the Placer County Jail awaiting trial on charges of possession and distribution of child pornography and a charge of child molestation. (Id. at 7.) Plaintiffs also claim that Mr. Bisla may not be available for the trial in this matter, if his criminal action is still pending on November 6, 2017. (Id.) Neither party, however, has explained whether these two matters have any relation, and whether continuing in this civil action before the completion of the criminal action would violate defendant’s Fifth Amendment rights. See Keating v. Office of Thrift Supervision, 45 F.3d 322, 324–25 (9th Cir. 1995). Moreover, it is unclear if defendant is aware

1 of, or participated in, the joint pretrial statement provided to this court. In light of these
2 circumstances, the court finds that additional briefing by the parties is appropriate.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. No later than September 20, 2017, plaintiffs and defendant shall each file, and serve
5 on each other, supplemental briefing regarding the relationship between the pending
6 civil and criminal cases, and whether or not there is any cause to stay this civil action,
7 pending the conclusion of the criminal action.
- 8 2. The pretrial conference scheduled for September 20, 2017 at 11:00 a.m. in Courtroom
9 No. 24 is VACATED. All other dates remain as scheduled.
- 10 3. The Clerk of Court shall serve a copy of this order and the joint pretrial statement
11 (ECF No. 22) on defendant at both his address of record and the South Placer Jail:
12 Harwinder Bisla, P00265992, 11801 Go For Broke Rd., Roseville, CA 95678.

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15 Dated: September 7, 2017



16 CAROLYN K. DELANEY
17 UNITED STATES MAGISTRATE JUDGE
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