

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  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO,  
Plaintiff,  
v.  
CITY OF VALLEJO, et al.,  
Defendants.

No. 2:16-cv-02584-KJM-KJN (PS)

ORDER

On March 27, 2017, plaintiff Joseph P. CuvIELlo, who proceeds pro se, filed a motion for a preliminary injunction, enjoining defendant the City of Vallejo from enforcing Municipal Code Chapter 8.56, Section 8.56.010. (ECF No. 18.) On August 31, 2017, the court issued an order denying this motion (ECF No. 41), which plaintiff subsequently appealed. (ECF No. 42.)

In the meantime, on May 9, 2017, defendants filed a motion for partial summary judgement (ECF No. 25), which the court also denied. (ECF No. 48.) Thereafter, the parties were directed to provide the court with an updated joint status report. (ECF No. 49.)

In their joint status report, the parties request that this case be stayed “until the U.S. Court of Appeals for the Ninth Circuit resolves Mr. CuvIELlo’s interlocutory appeal from this Court’s order denying his motion for a preliminary injunction, Case No. 17-16948.” (ECF No. 50 at 1.) The parties explain that the pending decision from the Ninth Circuit “may resolve the parties’

1 arguments in a way that provides guidance to this Court regarding the substantive merit of Mr.  
2 CuvIELlo's claims." (Id. at 4.)

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. This matter is STAYED, pending the outcome of plaintiff's interlocutory appeal of the  
5 court's order denying his motion for a preliminary injunction, Case No. 17-16948.
- 6 2. The parties shall file an updated joint status report in this court, within 14 days of the  
7 date the Ninth Circuit Court of Appeals issues its mandate in Case No. 17-16948. The  
8 status report shall provide the information outlined in the court's prior order setting  
9 status conference (ECF No. 3 ), as well as any other information necessary to facilitate  
10 the scheduling of this matter.

11 Dated: May 3, 2018

12

13

14/16-2584.cuviello v. vallejo.order stay

14

15

16

17

18

19

20

21

22

23


24

25

26

27

28

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE