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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE MANUEL ESPARZA,
Plaintiff,

v.

SONNY PERDUE, Secretary of
Agriculture, et al.,
Defendants.

No. 2:18-cv-00154-KJM-CKD PS

ORDER

Presently pending before the court is defendants’ motion to dismiss. (ECF No. 11.) Plaintiff filed an opposition and defendants replied. (ECF Nos. 15, 16.) This matter came on for hearing on August 29, 2018 at 10:00 a.m. Plaintiff Jose Manuel Esparza appeared on his own behalf and Edward A. Olsen appeared on behalf of defendants.

At the hearing, Mr. Olsen indicated that plaintiff previously litigated, and settled, claims related to those presented in the current complaint. The parties agreed that the prior lawsuit was filed in the United States District Court for the Northern District of California. Mr. Olsen offered to provide supplemental briefing regarding the prior case and the impact, if any, of that case on the present matter.

After hearing the parties arguments, the court took defendants’ motion to dismiss (ECF No. 11) under submission, with an order and/or findings and recommendations to issue after

1 supplemental briefing.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. By **September 5, 2018**, defendants shall file a supplemental brief with the court
4 regarding plaintiff's prior case in the Northern District and the appropriate venue for
5 plaintiff's current case.
- 6 2. Plaintiff's response, if any, to defendants' briefing shall be filed with the court no later
7 than **October 5, 2018**.
- 8 3. Defendants' reply, if any, shall be filed with the court no later than **October 12, 2018**.

9 Dated: August 30, 2018



10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE

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