

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL C. GARCIA,
Plaintiff,
v.
CITY OF SANTA CLARA; et al.,
Defendants.

No. C 10-2424 SI (pr)

**ORDER FOR SUPPLEMENTAL
INFORMATION REGARDING
POTENTIAL STAY**

On December 2, 2011, defendants City of Santa Clara, Santa Clara Police Department chief Stephen Lodge, and Santa Clara Police Department officers Hosman, Bell, Carleton, and Lange (the "Santa Clara defendants") filed a motion for a stay of this action. They argue that a stay is appropriate due to pending criminal proceedings against plaintiff in which he is charged with resisting or deterring a peace officer in the performance of his duty, *see* Cal. Penal Code § 69, based on the same incident that gives rise to part of plaintiff's claims against the Santa Clara defendants. Plaintiff did not file an opposition, and the deadline by which to do so has passed. (Indeed, it appears that plaintiff may have lost interest in this action, as he also failed to oppose the motion to dismiss filed by Marriott.)


Defendants have focused on the criminal case pending against plaintiff in Santa Clara County Superior Court; the court is also concerned with the impact of the significantly more serious criminal case – in which the charges apparently include murder, conspiracy to commit a felony, burglary, and grand theft, *see* Docket # 39-2, p. 55 – pending against plaintiff in

1 Riverside County Superior Court. The court needs certain information from plaintiff in
2 connection for its consideration of a potential stay.

3 Plaintiff must answer the following questions: (1) is plaintiff represented by counsel in
4 the criminal case for which he is in jail in Riverside County? (2) what is the trial date set for
5 plaintiff's criminal case in Riverside County? (3) if the trial has occurred, what was the verdict?
6 (5) if the trial has occurred and resulted in a conviction, what is the date set for sentencing? (6)
7 if the sentencing has occurred, what sentence was imposed? Plaintiff must provide this
8 information to the court in a written response filed and served on defense counsel no later than
9 **March 9, 2012**. Failure to provide the requested information may result in the dismissal of this
10 action for failure to prosecute.

11 IT IS SO ORDERED.

12 Dated: February 15, 2012



SUSAN ILLSTON
United States District Judge