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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
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9 DANIEL C. GARCIA,
10 Plaintiff,

No. C 10-2424 SI (pr)

11 v.

**ORDER TO STAY ACTION AND
ADMINISTRATIVELY CLOSE
ACTION**

12 CITY OF SANTA CLARA; et al.,
13 Defendants.
14 _____/

15 A. The Stay

16 On December 2, 2011, defendants City of Santa Clara, Santa Clara Police Department
17 chief Stephen Lodge, and Santa Clara Police Department officers Hosman, Bell, Carleton, and
18 Lange (the "Santa Clara defendants") filed a motion for a stay of this action. They argued that
19 the action should be stayed due to pending criminal proceedings against plaintiff in which he is
20 charged with resisting or deterring a peace officer in the performance of his duty based on the
21 same incident that gives rise to part of plaintiff's claims against the Santa Clara defendants.
22 They focused on the criminal case pending against plaintiff in Santa Clara County Superior
23 Court. The court noted the existence of a significantly more serious criminal case – in which
24 the charges apparently include murder, conspiracy to commit a felony, burglary, and grand theft,
25 *see* Docket # 39-2, p. 55 – pending against plaintiff in Riverside County Superior Court. The
26 court ordered plaintiff to provide certain information so the court could consider the potential
27 stay. In his response, plaintiff wrote that he consented to the requested stay if he could not find
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1 new counsel to represent him in this action by April 23, 2012. Docket # 59, p. 7. That date has
2 passed, and plaintiff has not informed the court that he found new counsel to represent him.

3 Accordingly, defendants' motion for a stay is GRANTED. (Docket # 46.)

4 This action is now STAYED. The clerk shall administratively close the action.

5 Plaintiff must notify this court in writing within **thirty days** of the date on which he is
6 acquitted of all charges or convicted of any of the charges in the criminal case pending against
7 him in Riverside County Superior Court. If the latter, plaintiff must also notify this court within
8 **thirty days** of the date on which he is sentenced in the Riverside County Superior Court case.

9 Plaintiff also must notify this court in writing within **thirty days** of the date on which he
10 is acquitted of all charges or convicted of any of the charges in the criminal case pending against
11 him in Santa Clara County Superior Court. If the latter, plaintiff must also notify this court
12 within **thirty days** of the date on which he is sentenced in the Santa Clara County Superior
13 Court case.

14 Plaintiff must mail to defense counsel a copy of each such notice at the time he files it
15 with the court.

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17 B. Miscellaneous Matters

18 The court notes that plaintiff spiral-bound his response regarding the contemplated stay.
19 Plaintiff need not spend the time or money to bind his filings this way because all bindings are
20 promptly removed from documents to scan them for electronic filing when they arrive at the
21 courthouse. Like all litigants, plaintiff should simply staple his documents in the upper left
22 corner before sending them to the court to be filed.

23 Plaintiff stated in his response that he had not received some of the filings from defense
24 counsel. *See* Docket # 59, p. 2. Defense counsel must update the mailing address for plaintiff
25 and use the address plaintiff provides at page 2 of Docket # 59. Specifically, the address should
26 *not* include the street address of the jail in addition to the post office box number, should use
27 plaintiff's middle name, and should be sent to the proper ZIP code. No later than **June 1, 2012**,
28 defense counsel must mail to plaintiff at the correct address a replacement copy of every

1 document that he previously sent to plaintiff that was not correctly addressed. The court does
2 not want plaintiff to respond to any of those filings at this time (because the action is now
3 stayed) but does want to be certain that plaintiff has received them for future use if the stay is
4 ever lifted.

5 IT IS SO ORDERED.

6 Dated: May 19, 2012



SUSAN ILLSTON
United States District Judge

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