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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEDRICK RILEY,  
Plaintiff,  
v.  
THE CITY OF RICHMOND, et al.,  
Defendants.

No. C-13-4752 MMC

**ORDER LIFTING STAY OF FIRST  
THROUGH FOURTH CAUSES OF  
ACTION; SETTING DEADLINE FOR  
DEFENDANTS TO FILE MOTION FOR  
SUMMARY JUDGMENT AND HEARING  
DATE ON MOTION**

By order filed October 9, 2014, the Court stayed proceedings on the First through Fourth Causes of Action in plaintiff Dedrick Riley’s (“Riley”) complaint, pending the conclusion of Riley v. City of Richmond, Case No. 10-02843, a state court action brought by Riley against the City of Richmond, one of the two defendants named herein. By order filed August 18, 2015, the Court granted defendants’ motion for summary judgment on the remaining claim in the instant action, specifically, the Fifth Cause of Action, and, additionally, directed the parties to file, no later than November 20, 2015, a Joint Status Report apprising the Court as to the status of the above-referenced state court action.

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1 Before the Court is "Defendants' Status Report,"<sup>1</sup> filed November 20, 2015,<sup>2</sup> in which  
2 defendants advise the Court that, on September 15, 2015, judgment was entered in the  
3 state court proceeding in favor of the defendant therein, and that plaintiff did not appeal the  
4 judgment. Defendants also seek leave to file a motion for summary judgment based on the  
5 doctrine of issue and/or claim preclusion, and, in light of counsel for defendants' schedule,  
6 to set a hearing date on said motion in early April 2016. Having read and considered  
7 defendants' status report, the Court rules as follows:

8 1. As the state court action has concluded, the Court hereby LIFTS the stay of  
9 proceedings on the First through Fourth Causes of Action.

10 2. Defendants' request to file a motion for summary judgment based on the doctrine  
11 of issue and/or claim preclusion is hereby GRANTED, and defendants are DIRECTED to  
12 file, no later than March 4, 2016, their motion, such motion to be heard on April 8, 2016, at  
13 9:00 a.m.

14 **IT IS SO ORDERED.**

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16 Dated: December 2, 2015

  
MAXINE M. CHESNEY  
United States District Judge

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26 <sup>1</sup>According to defendants, they prepared the instant status report and provided it to  
27 plaintiff for review and revision, and plaintiff did not respond in any manner thereafter.

28 <sup>2</sup>Defendants failed to provide the Court with a chambers copy of their Status Report.  
For future reference, defendants are reminded that, pursuant to Civil Local Rule 5-1(e)(7)  
and the Court's Standing Orders, parties are required to provide for use in chambers one  
paper copy of each document that is filed electronically.