

UNITED STATES DISTRICT COURT
Northern District of California
Oakland Division

KAYLE HOWARD,

No. C 10-05655 LB

Plaintiff,

v.

**ORDER RE: STAY OF CASE AND
DENYING WITHOUT PREJUDICE
DEFENDANTS' MOTION TO
DISMISS**

MICHAEL DALISAY, et al.,

Defendants.

Pro se plaintiff Kayle Howard sued local police officers and county sheriffs in this lawsuit for false imprisonment and false arrest in relation to a state court criminal action, all in violation of 42 U.S.C. § 1983 and state law. Complaint, ECF No. 1 at 2, ¶¶ 6-7.¹ On April 19, 2011, upon Defendants' motion, the court stayed this lawsuit pending the outcome of those criminal charges. ECF No. 58.

Ms. Howard's criminal trial, has been continued several times, mostly recently to January 23, 2012. ECF Nos. 60, 61, 65. The parties shall file a joint status update about the status of Howard's pending criminal case no later than February 6, 2012.

Further, in light of the stay, the court sees fit to deny without prejudice Defendants' motion to dismiss, which has been pending before the court since January 27, 2011. MTD, ECF No. 19. Once the court lifts the current stay, Defendants may re-file their motion.

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 This disposes of ECF Nos. 19, 65.

2 **IT IS SO ORDERED.**

3 Dated: November 21, 2011

4 
LAUREL BEELER
United States Magistrate Judge