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UNITED STATES DISTRICT COURT
Northern District of California
Oakland Division

KAYLE HOWARD,

No. C 10-05655 LB

Plaintiff,

**ORDER RE: STAY OF CASE AND
JOINT STATUS UPDATE LETTER**

v.

MICHAEL DALISAY *et al.*,

[Re: ECF Nos. 67, 68]

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.

The court received and reviewed the parties' joint letter updating the status of Howard's criminal case. Joint Letter, ECF No. 68. According to that letter, Howard's criminal trial is now set for March 28, 2012. *Id.* at 2. Therefore, the case shall remain stayed and the parties shall file a joint status update about the status of Howard's pending criminal case no later than April 20, 2012.²

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.

² On January 25, 2012, Ms. Howard filed a motion asking the court to do two things: (1) to "vacate" Defendants' previously-filed motion to dismiss; and (2) to set a "settlement hearing" after

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This disposes of ECF Nos. 67 and 68.

IT IS SO ORDERED.

Dated: March 2, 2012



LAUREL BEELER
United States Magistrate Judge

her criminal charges are resolved. With respect to her first request, the court notes that it already dismissed without prejudice Defendants’ motion to dismiss, see 11/21/2011 Order, ECF No. 66, so there is nothing left to dismiss or “vacate.” With respect to her second request, because this case is stayed, the court believes it is more appropriate to wait until the stay is lifted to set any further hearings. For these reasons, Ms. Howard’s motion is DENIED.