

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KELECHI CHARLES EMEZIEM DBA  
LAW OFFICES OF EMEZIEM &  
OTHERS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
JUSTICE, et al.,

Defendants.

Case No. [16-cv-06628-HSG](#)

**ORDER TO FILE SUPPLEMENTAL  
BRIEFS**

Pending before the Court are two motions to dismiss Plaintiff’s first amended complaint: one filed by the State of California by and through the California Department of Justice (collectively, “State Defendants”) and the other filed by six special agents employed by the California DOJ (“Agents”). Dkt. Nos. 5, 12. According to papers relating to these motions, there is a state court suit, Law Offices of Emeziem & Others v. California Attorney General, No. RG15763425 (Alameda Cty. Super. Ct. Mar. 23, 2015), appeal filed, No. A146481 (Cal. Ct. App. Sept. 23, 2015), with appeal proceedings still ongoing as of December 23, 2016. See Dkt. No. 14 at 3–4; Dkt. Nos. 6 & 13, Exs. B–F.<sup>1</sup> Given that the state court suit and the instant case involve similar underlying facts, the Court **DIRECTS** Plaintiff, State Defendants, and the Agents to file simultaneous supplemental briefs regarding whether the instant suit should be dismissed or stayed on federal abstention grounds, under the Younger or Colorado River lines of cases or otherwise. See *Younger v. Harris*, 401 U.S. 37 (1971); *Colorado River Water Conservation Dist. v. United*


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<sup>1</sup> The Court takes judicial notice of the state court documents attached to Defendants’ requests for judicial notice. See Dkt. Nos. 6 & 13, Exs. B–F; *United States ex rel. Robinson Rancheria Citizens’ Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (taking judicial notice of a state court order and filings that were related to the federal suit).

1 States, 424 U.S. 800 (1976). Each supplemental brief shall not exceed seven pages, and shall be  
2 filed no later than July 24, 2017. Wherever possible, the parties should cite controlling decisions  
3 of the Supreme Court or the Ninth Circuit Court of Appeals. No responsive briefs will be  
4 permitted.

5 **IT IS SO ORDERED.**

6 Dated: 7/11/2017

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8 HAYWOOD S. GILLIAM, JR.  
9 United States District Judge  
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