

\*\*E-Filed 1/20/2009\*\*

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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

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12 JAMES ALAN BUSH,  
13 Plaintiff,  
14 v.  
15 SUNNYVALE DEPARTMENT OF PUBLIC  
16 SAFETY, et al.,  
17 Defendants.

Case Number C 08-1354 JF (RS)  
ORDER<sup>1</sup> RE CASE STATUS  
[re: doc. no. 86]

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19 On June 27, 2008, the Court stayed the instant case pending Plaintiff’s appeal of the  
20 denial of his application to proceed *in forma pauperis*. Plaintiff also was granted leave to amend  
21 his complaint. On November 21, 2008, Plaintiff filed an “Application for Leave to Present Late  
22 Claim.” The application appears to allege a claim for relief under the California Tort Claims Act  
23 (“CTCA”). A claim under the CTCA first must be lodged with the applicable agency, in this  
24 case the San Jose Police Department. *See* Cal. Gov’t Code § 915. To date, the record in the  
25 instant case does not reflect any response from the San Jose Police Department to Plaintiff’s  
26 application, nor has Plaintiff filed any subsequent papers regarding the status of the application.

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28 <sup>1</sup> This disposition is not designated for publication in the official reports.

1 The Court will take no action pending further developments with respect to the application.

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3 IT IS SO ORDERED.

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5 DATED: January 20, 2009

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JEREMY FOGEL  
United States District Judge

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1 This Order has been served upon the following persons:

2 James Alan Bush  
3 701 South Abel Street, M-4  
4 Milpitas, CA 95035

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