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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RANGANATH SARASWATI,
Plaintiff,
vs.
COUNTY OF SAN DIEGO, and DOES
1-20,
Defendants.

CASE NO. 07cv1415 WQH (POR)

ORDER

HAYES, Judge:

On August 3, 2007, Plaintiff initiated this action by filing a Complaint (ECF No. 1). On April 23, 2008, this Court issued an Order denying a Motion to Dismiss the Complaint. (ECF No. 5). The Court concluded that the Complaint adequately alleged that a municipal policy or custom caused Plaintiff constitutional injury and that the County of San Diego was not immune from liability. *Id.* at 4-7. The Court declined to abstain from exercising jurisdiction under the doctrine of *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976). *Id.*

On March 11, 2009, Plaintiff filed the First Amended Complaint. (ECF No. 24). On June 9, 2009, Defendant filed the Motion for Judgment on the Pleadings and to Abstain and Stay or Dismiss Action. (ECF No. 29). On August 13, 2009, the Court granted Defendant's motion and stayed the action pursuant to the *Younger* [*v. Harris*, 401 U.S. 37 (1971)]

1 abstention doctrine pending resolution of state mandamus proceedings in the Superior Court
2 of California, County of San Diego. (ECF No. 32 at 7).

3 On May 12, 2010, Defendant filed a status report and informed the Court that Plaintiff's
4 writ of mandamus in the state court proceeding had been denied. (ECF No. 35). On July 28,
5 2010, this Court lifted the stay. (ECF No. 36).

6 On August 4, 2010, Defendant filed a second Motion for Judgment on the Pleadings and
7 to Abstain and Further Stay or Dismiss Action pursuant to Rule 12(c) of the Federal Rules of
8 Civil Procedure. (ECF No. 37) On November 4, 2010 granted Defendant's motion and
9 continued the stay pursuant to *Younger*. The Court stated:

10 [D]ismissal of the federal proceedings is not proper because Plaintiff
11 seeks damages and injunctive relief in both the state and federal
12 proceedings; and, as discussed above, the State proceedings are
13 ongoing. *Gilbertson*, 381 F.3d at 973; *see also Offshore Sportswear,*
14 *Inc. v. Vuarnet Intern., B.V.*, 114 F.3d 848, 851 (9th Cir. 1997).

15 IT IS HEREBY ORDERED that the Motion for Judgment on the
16 Pleadings is **DENIED** and the Motion to Abstain and Further Stay or
17 Dismiss Action filed by Defendant County of San Diego is
18 **GRANTED**. (ECF No. 37). The Court stays this action pending
19 resolution the appeal in the California Court of Appeal, Fourth
20 Appellate District. Defendant County of San Diego shall file a status
21 report with respect to the proceedings in the state appellate court ninety
22 (90) days from the date of this Order, and every ninety (90) days
23 thereafter.

24 (ECF No. 40 at 4-5).

25 The parties filed status reports on February 1, 2011, May 12, 2011, August 11, 2011,
26 November 14, 2011, and February 13, 2012. (ECF Nos. 41-45). The most recent status report
27 states:

28 [T]his action is stayed pending resolution of related mandamus
proceedings in the Superior Court of California, County of San Diego,
case no. GIC 879297, which was decided by the California Court of
Appeal, case D056676.

The Court of Appeal issued its decision in December 2011 and
remanded the case back to the Superior Court for further proceedings.
The Superior Court has not yet set dates for further proceedings.

(ECF No. 45 at 1).

On March 6, 2012, this Court issued an Order stating:

The Court finds that *Younger* abstention remains appropriate pending

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resolution of the related mandamus proceedings in the Superior Court of California, which were remanded for further proceedings in December 2011. The parties are ORDERED TO SHOW CAUSE, by no later than ten days from the date of this Order, why this case should not be administratively closed without prejudice to any party and with leave to be immediately reopened without further order of this Court upon the filing of a notification that the mandamus proceedings have concluded by any party. If the parties do not respond to this Order, the Court will issue an order directing the Clerk of the Court to administratively close this case without prejudice to any party and with leave to be immediately reopened without further order of this Court upon the filing of a notification that the mandamus proceedings have concluded by any party.

(ECF No. 46 at 1-2).

To date, no party has responded to the Order to Show Cause.

IT IS HEREBY ORDERED that the Clerk of the Court shall administratively close this case without prejudice to any party and with leave to be immediately reopened without further order of this Court upon the filing of a notification that the mandamus proceedings have concluded by any party.

DATED: March 22, 2012


WILLIAM Q. HAYES
United States District Judge