

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. EDCV 13-0673-VAP (JEM)

Date June 4, 2015

Title Jonathan Birdt v. San Bernardino Sheriffs Department

Present: The
Honorable

John E. McDermott, United States Magistrate Judge

S. Anthony

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings:

(IN CHAMBERS) ORDER RE PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT AS TO PLAINTIFF’S SECOND AMENDED COMPLAINT (Docket No. 90); DEFENDANT’S MOTION TO DISMISS SECOND AMENDED COMPLAINT (Docket No. 92); AND DEFENDANT’S MOTION TO DISMISS SECOND AMENDED COMPLAINT AND RULE 15(d) SUPPLEMENT (Docket No. 137)

Before the Court is Plaintiff’s Motion for Summary Judgment on his Second Amended Complaint, Defendant’s Motion to Dismiss the Second Amended Complaint and Defendant’s Motion to Dismiss Second Amended Complaint and Rule 15(d) Supplement. On March 26, 2015, the Ninth Circuit issued an order in Peruta v. County of San Diego, 781 F.3d 1106 (9th Cir. 2015), that the three judge panel decision, 742 F.3d 1144, be reheard en banc and in the interim the panel opinion is “not [to] be cited as precedent by or to any court of the Ninth Circuit.” In view of the Ninth Circuit Order, the Court hereby STAYS this case until the en banc opinion is issued.

IT IS SO ORDERED.

cc: Parties

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