

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**IVAN PENA, et. al.,**

**CASE NO. CIV. S-09-1185 FCD KJM**

**Plaintiffs,**

**MINUTE ORDER**

**vs.**

**WILFREDO CID., et. al.,**

**Defendants.**

---

At a session of the United States District Court for the Eastern District of California, in the City of Sacramento, on August 6, 2010.

**PRESENT, THE HONORABLE FRANK C. DAMRELL, JR., JUDGE:**

The Court is in receipt of the parties' Joint Status Report following the Ninth Circuit en banc panel's remand of Nordyke v. King, 563 F.3d 439 (9th Cir. 2009), to the three judge panel for further consideration in light of McDonald v. City of Chicago, No. 09-1521, slip op. (U.S. June 28, 2010), For the reasons set forth in the court's October 2, 2009 Memorandum and Order, the court continues the STAY of this action in its entirety pending the Ninth Circuit's decision in Nordyke v. King. The parties shall submit a joint status report within ten days of the Ninth Circuit's order.

**I hereby certify** that the foregoing is a true and correct statement of an order in the above captioned case this 6<sup>th</sup> day of August, 2010.

**VICTORIA C. MINOR, CLERK**

**By: /s/ Judy C. Streeter**

\_\_\_\_\_  
Judy C. Streeter, Relief Courtroom Deputy