

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

IVAN PENA, et. al.,

CASE NO. 2:09-CV-1185 FCD KJM

Plaintiffs,

MINUTE ORDER

vs.

WILFREDO CID,

Defendant.

At a session of the United States District Court for the Eastern District of California, in the City of Sacramento, on September 28, 2009.

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

The court is in receipt of defendant's Motion to Dismiss as well as the parties' complete briefing on the motion. The court is also in receipt of plaintiffs' Notice of Relevant Authority. In light of the Ninth Circuit's rehearing of Nordyke v. King, No. 07-15763, en banc and its order, vacating submission pending the Supreme Court's disposition of Maloney v. Rice, No. 08-1592, McDonald v. City of Chicago, 08-1521, and National Rifle Ass'n of America, Inc. v. City of Chicago, No. 08-1497, the court directs the parties to file supplemental briefing regarding why this action should not be stayed pending the Ninth Circuit's en banc decision in Nordyke v. King. The parties shall file such briefing, not to exceed five pages, by Friday, October 2, 2009 at 12:00 p.m.

I hereby certify that the foregoing is a true and correct statement of an order in the above captioned case this 28th day of September 2009.

VICTORIA C. MINOR, CLERK

By: /s/ Michele Krueger
Michele Krueger, Courtroom Deputy