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2004 NOV 18 PM 5:50
RICHARD W. WICKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CA

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT-JOHN:FOTI, et al.,

Plaintiffs,

v.

OFFICER MCHUGH, et al.,

Defendants.

No. C 04-2567 PJH

ORDER



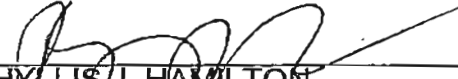
Plaintiffs Robert-John:Foti, Joseph Leonard Neufeld, and Kenneth Augustine filed this action in propria persona on June 25, 2004, alleging violations of their constitutional rights. On September 16, 2004, defendants filed a motion to dismiss the complaint, noticing the hearing for October 27, 2004. On October 22, 2004, the parties agreed to continue the hearing date to November 10, 2004. On November 9, 2004, the day before the scheduled hearing, plaintiffs filed a first amended complaint. At the hearing, the court set a briefing schedule for a motion to dismiss the first amended complaint, and for plaintiffs' request for injunctive relief. On November 10, 2004, the court issued a written order summarizing the proceedings at the hearing.

On November 17, 2004, plaintiffs filed a motion for summary judgment. The court will not consider the motion for summary judgment before briefing has been completed on the above-referenced motion to dismiss and request for injunctive relief, and a written

1 decision has been issued. Accordingly, defendants need not file an opposition to the
2 motion for summary judgment until requested to do so by the court.

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4 **IT IS SO ORDERED.**

5 Dated: November 18, 2004


6 **PHYLLIS J. HAMILTON**
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

Foti et al,

Plaintiff,

v.

McHugh et al,

Defendant.

Case Number: C-04-2567 PJH

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 18, 2004, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

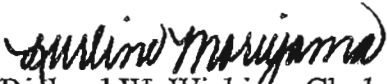
Joseph Leonard Neufeld
General Delivery
Mission Rafael Station
San Rafael, CA 94902

Kenneth Augustine
53 Mark Drive
San Rafael, CA 94903

Robert-John Foti
General Delivery
Woodacre, CA 94973

Tracie L. Brown
U.S. Attorney's Office
450 Golden Gate Avenue
Box 36055
San Francisco, CA 94102-3495

Dated: November 18, 2004


Richard W. Wieking, Clerk
By: Lurline Moriyama, Deputy Clerk