

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Daniels v. Aponte

Daniels · No. 21-cv-03794-RMI · Decided March 12, 2025

SUMMARY

The United States District Court for the Northern District of California grants plaintiff's request for an extension to seek lifting of a stay in his civil rights action. The case had been stayed under Wallace v. Kato because related criminal charges were pending. The court permits plaintiff to file a motion to lift the stay within 56 days and requires him to explain how the criminal case ended.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
JEREMY DANIELS, Case No. 21-cv-03794-RMI 8 Plaintiff, ORDER 9 v. 10 STEVEN
APONTE, et al., 11 Defendants. 12 13 Plaintiff, a former detainee proceeding pro se, filed a civil
rights complaint under 42 14 || U.S.C. § 1983, alleging that he was improperly arrested and
subject to excessive force by police.

3 15 This case was stayed pursuant to Wallace v. Kato, 549 U.S. 384, 393 (2007), because
criminal a 16 || charges were pending against plaintiff related to the underlying incident. Plaintiff
could not obtain 3 17 || money damages related to this incident until the criminal case had ended in
his favor or if he was 18 || convicted and the conviction was reversed.

19 Plaintiff has filed a letter indicating that his criminal case is over and he seeks an extension 20
|| to lift the stay. Plaintiff's request is granted. Within fifty-six days, plaintiff may file a motion to
21 || lift the stay that also discusses how his criminal ended. He should indicate if the charges were
22 || dropped or if he was convicted. 23 IT IS SO ORDERED.

24 Dated: March 12, 2025 25 Hh 0 lo 7 ROBERT M. ILLMAN United States Magistrate Judge 28