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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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12 Barry Northcross Patterson, )

13 ) Plaintiff, )

No. CIV 05-1159-PHX-RCB

14 ) vs. )

O R D E R

15 ) Charles L. Ryan, et al., )

16 ) Defendants. )

17

18 On December 29, 2011, this court granted inmate plaintiff *pro*  
19 *se* Barry Northcross Patterson, a stay of this litigation, "but  
20 only, . . . , for **30 days** from the date of entry of th[at]  
21 order[.]" Ord. (Doc. 133) at 3:2-3, ¶ (1). The court had two  
22 bases for granting that limited stay. First, "even based upon the  
23 scant record before it," it appeared to the court that there was a  
24 "possibility that plaintiff's physical and mental state may be  
25 compromised[]" due to his "self-imposed hunger strike[.]" Id. at  
26 2:25-27. Second, primarily for that reason, the remaining  
27 defendants, Broderick and Mason, did not oppose a 30 day stay. See  
28 id. at 1:23-26 (citation omitted). Thus, counting in accordance

1 with Fed.R.Civ.P. 6(a), that stay was effective until January 30,  
2 2012.<sup>1</sup>

3       Additionally, this court granted plaintiff "the right to file  
4 a motion, *prior* to the expiration of the initial 30-day stay, for  
5 an additional stay not to exceed 30 days *upon a showing* that his  
6 physical and emotional condition has not improved sufficiently for  
7 him to participate meaningfully in these proceedings." *Id.* at 3:4-  
8 8, ¶ (2) (emphasis added). Plaintiff did not strictly comply with  
9 that court order. Rather, on January 12, 2012, he filed an "Update  
10 & Response" ("the Update") to that order. *See* Pl.'s Resp. (Doc.  
11 134) at 1. Contradicting his initial professed need for a stay, in  
12 that Update plaintiff specifically "state[s][,]" among other  
13 things, "that he feels capable & willing to try to maintain his  
14 court obligations[.]" Pl.'s Resp. (Doc. 134) at 3. After  
15 consulting with the "prison facility for an update as to  
16 Patterson's emotional and physical status[,]" defendants requested  
17 that the court "lift the stay" and "set a new dispositive motion  
18 deadline of no sooner than 30 days after it enters its Order to  
19 that effect[.]" Defs'. Reply (Doc. 135) at 2:12-13.

20       Just as the court was preparing to file its order addressing  
21 plaintiff's "Update" and defendants' reply thereto, on February 2,  
22 2012, plaintiff's "Motion to Continue or Reinstate Stay" was  
23 entered in the court's docket. *See* Pl's Mot. (Doc. 136) at 1.


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26 <sup>1</sup> "[E]xclud[ing] the day of the event that triggers the period[,]" *i.e.*,  
27 December 29, 2011, and "count[ing] every day, including intermediate Saturdays,  
28 Sundays, and legal holidays[,]" means that that 30 day stay ended January 28, 2011.  
*See* Fed.R.Civ.P. 6(a)(A)& (B). However, because the last day of the period was a  
Saturday, "the period continues to run until the end of the next day that is not  
a Saturday, Sunday, or legal holiday." Fed.R.Civ.P. 6(a)(C). Here, that means  
that the last such day was Monday, January 30, 2012.

1 The expiration on January 30, 2012, by its own terms, of this  
2 court's 30 day stay renders moot plaintiff's motion to the extent  
3 he is seeking a continuance of such stay. There is still the  
4 outstanding issue, however, of whether the court should, as  
5 plaintiff seeks, reinstate that stay. Plaintiff is not explicit as  
6 to why he believes a further stay is necessary. His motion can  
7 fairly be read, however, as requesting a stay because of his self-  
8 imposed 20 day "sever[e] reduc[tion] [in] caloric intake." Id.

9 In any event, because the original 30 day stay has been  
10 lifted, to that extent plaintiff's pending motion seeks to  
11 reinstate that stay, such motion is properly before this court.  
12 Before ruling on that motion, however, the court will await  
13 defendants' response, if any. In the interim, **any dispositive**  
14 **motions** which the parties desire to file **shall be filed no later**  
15 **than thirty (30) days from the date of entry of this order.**  
16 Responses and replies, if any, shall be filed in accordance with  
17 the applicable Federal Rules of Civil Procedure as well as the  
18 Local Rules of Civil Procedure for the District of Arizona.

19 DATED this 2<sup>nd</sup> day of February, 2012.

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23 Robert C. Broomfield  
24 Senior United States District Judge  
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26 Copies to counsel of record and plaintiff *pro se*  
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