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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Barry Northcross Patterson, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Charles L. Ryan, et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

No. CIV 05-1159-PHX-RCB  
O R D E R

18 On February 1, 2012, plaintiff *pro se* Barry Northcross  
19 Patterson filed a "Motion to Continue or Reinstate [the]  
20 Stay" (Doc. 136) granted by this court on December 29, 2011  
21 (Doc. 133). By its own terms, that stay expired on January  
22 30, 2012. Ord. (Doc. 138) at 3:1-3. Thus, in its February  
23 2, 2012, order, this court found plaintiff's motion for a  
24 continuance to be moot. Id. At the same time though, the  
25 court found that the issue of reinstatement was "still . . .  
26 outstanding[.]" Id. at 3:3-4.

27 As this court allowed, defendants timely filed their  
28 response to plaintiff's motion. Defendants are seeking to

1 have this court "defer its ruling until . . . Patterson  
2 supplements his Motion with additional information." Defs.'  
3 Resp. (Doc. 141) at 1:17-18. Defendants' primary concern is  
4 the inadequacy of the record in terms of being able to assess  
5 "whether or not [a] stay . . . is still reasonably warranted  
6 and, if it is, how long it should last." Id. at 2:17-18.  
7 Defendants point out the uncertainty surrounding plaintiff's  
8 eating habits, and the purported increase in his mental  
9 health score. The latter "means that [plaintiff] *may* yet be  
10 approved for a transfer to a medical facility[,]" but such a  
11 transfer had "not occurred as of [the] writing[]" of  
12 defendants' response. Id. at 2:9-11 (emphasis added).

13 LRCiv 7.2(d) allows a moving party seven "days after  
14 service of the responsive memorandum to file a reply  
15 memorandum if that party so desires." LRCiv 7.2(d).  
16 Computing that time in accordance with Fed.R.Civ.P. 6 means  
17 that plaintiff had until February 23, 2012 in which to file a  
18 reply. Plaintiff did not do so, however.

19 Arguably of more import is that recently plaintiff has  
20 been refusing delivery of legal mail, Defs.' Resp., exh. A  
21 thereto (Doc. 141-1), including a copy of this court's  
22 February 2, 2012 order. See Doc. 139. Such refusal, among  
23 other things, seriously calls into question whether plaintiff  
24 intends to continue prosecuting this action. The court  
25 declines to speculate as to plaintiff's intent at this  
26 juncture, however.

27 Instead, on the record as presently constituted, the  
28 court finds that plaintiff has not established the need for


1 reinstatement of the previously ordered stay. Consequently,  
2 rather than deferring its ruling on that issue, as defendants  
3 urge, this court hereby **ORDERS** that:

4 (1) Plaintiff's "Motion to Continue or Reinstate Stay"  
5 (Doc. 136) is **DENIED** in its entirety; and

6 (2) the previously ordered time frame in which the  
7 parties have to file **any dispositive motions** is *sua sponte*  
8 *extended*. Such motions, by any party, **shall be filed no**  
9 **later than March 13, 2012**. Responses and replies, if any,  
10 shall be filed in accordance with the applicable Federal  
11 Rules of Civil Procedure as well as the Local Rules of Civil  
12 Procedure for the District of Arizona.

13 DATED this 27th day of February, 2012.

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Robert C. Broomfield  
Senior United States District Judge

Copies to counsel of record and plaintiff *pro se*