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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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9 Diana Mendoza,

)

No. CV-13-1642-PHX-LOA

10 Plaintiff,

)

ORDER

11 vs.

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)

13 Carolyn W. Colvin, Acting Commissioner
of the Social Security Administration,

)

14 Defendant.

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)

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This matter is before the Court on Plaintiff's Motion for a Stay of Proceedings. (Doc.

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16) Plaintiff requests a stay because a case arising from her initial application for social

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security disability benefits, which was denied at the administrative level and affirmed by

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another judge in this District Court, is currently pending before the Ninth Circuit Court of

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Appeals. The opening brief and answering brief have been filed in the Court of Appeals and

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a reply brief is due on April 14, 2014. (See Ninth Circuit Court of Appeals Case No. 13-

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16325)

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The instant action pending before the undersigned Magistrate Judge arises from a

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second application for social security disability benefits. The second application covers the

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time period from when the Administrative Law Judge denied the first application, April 14,

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2010, to the present. Plaintiff claims that a favorable decision by the Court of Appeals on the

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first case will likely resolve the instant action. Accordingly, Plaintiff seeks a stay of this

1 action until the case before the Court of Appeals is resolved, plus sixty additional days.
2 Alternatively, Plaintiff requests a forty-five day extension of time to file the opening brief
3 in the instant case. Defendant's counsel does not object to the motion.

4 "The District Court has broad discretion to stay proceedings as an incident to its
5 power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706-07 (1997). The party
6 requesting the stay bears the burden of demonstrating its need. *Id.* "However, while it is the
7 prerogative of the district court to manage its workload, case management standing alone is
8 not necessarily a sufficient ground to stay proceedings." *Dependable Highway Express, Inc.,*
9 *v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007). Moreover, indefinite stays are
10 disfavored. *Id.*

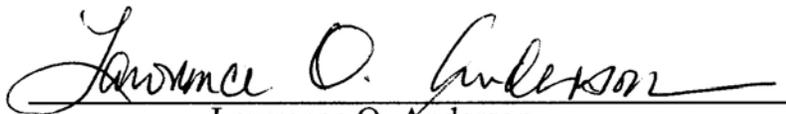
11 Here, the Court finds a stay of indefinite duration until the Court of Appeals rules on
12 Plaintiff's first case is unwarranted. The Court will, however, grant Plaintiff's alternative
13 request for relief and extend the deadline to file an opening brief in the instant action. The
14 Court will extend the deadline by sixty days. Plaintiff may seek a further extension if the
15 Court of Appeals matter is not resolved before the next deadline.

16 Accordingly,

17 **IT IS ORDERED** that Plaintiff's Motion for a Stay of Proceedings, doc. 16, is
18 **GRANTED in part** and **DENIED in part**. The request for a stay is denied. The alternative
19 request for an extension of the deadline to file the opening brief is granted.

20 **IT IS FURTHER ORDERED** that the deadline for Plaintiff to file an opening brief
21 is extended to **Monday, May 19, 2014**.

22 DATED this 19th day of March, 2014.

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25 Lawrence O. Anderson
26 United States Magistrate Judge
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