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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF ARIZONA**

8 Michael Carmine Micolo,

NO. CV14-02649-PHX DGC

9 Plaintiff, **ORDER**

10 v.

11 County of Pinal, Pinal County Sheriff's Office,
12 and Sergeant Stacy Sherwood,

13 Defendants.
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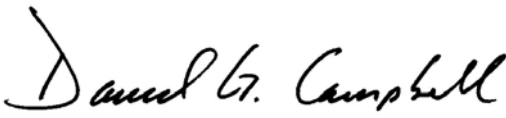
16 Plaintiff pled guilty to resisting arrest in state court and was sentenced on
17 November 30, 2015. Doc. 45. As a result, the Court lifted the stay that had been in place
18 due to *Heck v. Humphrey*, 512 U.S. 477, 487 (1994), since June of last year. Doc. 38.
19 The Court recently dismissed Plaintiff's complaint on the basis of *Heck* and granted him
20 leave to file an amended complaint. Doc. 56. The Court gave Defendant until
21 March 11, 2016, to file his amended complaint. *Id.*

22 Plaintiff has now moved to stay this action again, stating that he has filed a
23 petition for post-conviction relief in his state case. Doc. 57. The Court will deny the
24 stay. This action has already been delayed for many months, Plaintiff pled guilty to the
25 state charges, and Plaintiff provides no basis for the Court to conclude that his state
26 petition will alter the outcome of his state case.
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Because of the delay caused by the filing of this motion, the Court will extend Plaintiff's date for filing an amended complaint until **March 18, 2016**. Plaintiff is cautioned, however, that this case will be dismissed if he does not file an amended complaint by that date. The Clerk shall dismiss this action if Plaintiff fails to file an amended complaint by **March 18, 2016** ,without further order of the court.

Dated this 9th day of March, 2016.



David G. Campbell
United States District Judge