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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Virgil E. Holt,

Plaintiff,

vs.

D. G. Stockman, et al.,

Defendants.

No. CV 1-04-6073-MHM

**ORDER**

Pending before the Court are Plaintiff's Motions for Stay and Abeyance. (Doc. ## 124, 125) Plaintiff reports that on April 30, 2010, he was transferred from Lancaster State Prison, where he had been housed, to Kern County Jail in order to make an appearance in Kern County Superior Court. Plaintiff maintains that as a result of this transfer, he is without his legal materials. Plaintiff estimates that it will take approximately one to eight weeks to be transported back to Lancaster State Prison, where he eventually will have access to his legal documents. Accordingly, Plaintiff requests that the Court stay this case for 120 days.

The Court notes that on May 11, 2010, the Court granted Plaintiff's request for an extension of time to comply with the Court's Rule 16 scheduling order and extended the discovery and dispositive motion deadlines until August 23, 2010 and October 23, 2010, respectively. The Court also notes that according to Plaintiff's timeline, he may possibly be transferred sooner rather than later to Lancaster. Accordingly, the Court will deny

1 Plaintiff's motions without prejudice at this time and allow Plaintiff to re-urge his request,  
2 if he deems necessary, at a later date.

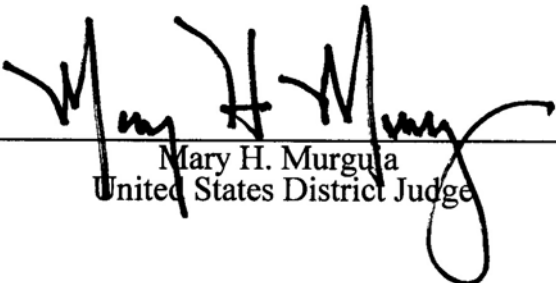
3 Based on the foregoing,

4 **IT IS ORDERED** denying without prejudice Plaintiff's Motions for Stay and Abeyance.  
5 (Doc. ## 124, 125)

6 **IT IS FURTHER ORDERED** directing Plaintiff to notify the Court immediately upon  
7 his return to Lancaster State Prison.

8 DATED this 1<sup>st</sup> day of June, 2010.

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Mary H. Murgula  
United States District Judge