

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE E. JACOBS IV,
Plaintiff,
vs.
W. J. SULLIVAN, et al.,
Defendants.

1:05-cv-01625-LJO-GSA-PC

ORDER GRANTING PLAINTIFF'S
REQUESTS TO DELAY TRIAL PENDING
RESOLUTION OF DEFENDANT
CROTTY'S BANKRUPTCY
PROCEEDINGS, AND TO BE PROVIDED
WITH STATUS REPORTS
(Doc. 114.)

ORDER STAYING TRIAL

ORDER FOR DEFENSE COUNSEL TO
FILE QUARTERLY STATUS REPORTS
BEGINNING ON OR ABOUT JUNE 1, 2013

Plaintiff George E. Jacobs IV ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action now proceeds on the Third Amended Complaint filed by Plaintiff on May 5, 2010, against defendants Crotty, Nelson, Watson, Chan, McGregor, Alexander, Carrasco, Blankenship, Jobb, Granillo, Johnson, and Salazar aka Adams, for violation of Plaintiff's rights under the Eighth Amendment. (Doc. 29.)

Defendant Crotty has filed bankruptcy, and on June 23, 2011, the Court stayed this action as to defendant Crotty pursuant to 11 U.S.C. § 362(a), pending resolution of the bankruptcy proceedings. (Doc. 58.) On July 26, 2012, defense counsel notified the Court that

1 the bankruptcy proceedings are likely to continue for another year and a half. (Doc. 108.)
2 Therefore, on November 16, 2012, the Court entered an order for Plaintiff to file a response in
3 writing, advising the Court whether he wishes to (1) delay the trial in this action for a year or
4 more, until defendant Crotty's bankruptcy is resolved and the automatic stay is lifted, or (2)
5 dismiss defendant Crotty from this action and proceed to trial now. (Doc. 113.)

6 On December 6, 2012, Plaintiff filed a response to the Court's order, requesting to delay
7 the trial pending resolution of the bankruptcy proceedings. (Doc. 114.) Plaintiff also requested
8 to be provided with periodic status reports of defendant Crotty's bankruptcy proceedings.
9 Good cause appearing, Plaintiff's requests shall be granted.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Plaintiff's requests to delay the trial in this action, and to be provided with status
12 reports, are GRANTED;

13 2. Trial in this action is STAYED, pending resolution of defendant Crotty's
14 bankruptcy proceedings and lifting of the automatic stay; and

15 3. Defense counsel is required to file a status report every three months, beginning
16 on or about June 1, 2013, informing the Court and Plaintiff of the status of defendant Crotty's
17 bankruptcy proceedings.

18
19
20 IT IS SO ORDERED.

21
22 Dated: April 24, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE