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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 FOR PLAINTIFF TO SHOW
CAUSE WHY THIS CASE SHOULD NOT
PROCEED TO TRIAL, EITHER
CONTINUING TO STAY THE CASE
AGAINST DEFENDANT CROTTY UNDER
11 U.S.C. § 362(a), OR DISMISSING
DEFENDANT CROTTY FROM THIS
ACTION
THIRTY DAY DEADLINE FOR
PLAINTIFF TO RESPOND TO THIS
ORDER

I. BACKGROUND

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. Plaintiff submitted the Complaint commencing this action on October 26, 2005. (See Doc. 1.) 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 the case against defendant Crotty pursuant to 11 U.S.C. § 362(a), pending resolution of the bankruptcy proceedings. (Doc. 58.) On April 24, 2013, the court delayed scheduling the trial in this action pending resolution of defendant Crotty’s bankruptcy proceedings. (Doc. 118.)

1 On June 30, 2014, Defendants filed a status report, notifying the court that defendant
2 Crotty's bankruptcy is expected to last another two years. (Doc. 126.) Defendants argue that if
3 the case is stayed for another two years, this case will not be tried until more than ten years
4 after the events giving rise to this lawsuit, resulting in fading memories, Defendants retiring
5 and moving out of state, and loss of evidence. Defendants also argue that it does not appear
6 efficient to wait until defendant Crotty's bankruptcy proceeding ends, because Plaintiff did not
7 file a claim with the bankruptcy court, any claims for money damages Plaintiff had against
8 defendant Crotty are or will be discharged, and Plaintiff will not be able to pursue his suit
9 against defendant Crotty.

10 In light of Defendants' arguments and assertions, Plaintiff shall be required to show
11 cause why this case should not proceed to trial, either continuing to stay the case against
12 defendant Crotty under 11 U.S.C. § 362(a), or dismissing defendant Crotty from this action.

13 **II. ORDER TO SHOW CAUSE**

14 Based on the foregoing, **IT IS HEREBY ORDERED** that:

- 15 1. Within thirty days from the date of service of this order, Plaintiff is required to
16 file a written response to this order, showing cause why this case should not
17 proceed to trial, and either continuing to stay the case against defendant Crotty
18 only under 11 U.S.C. § 362(a), or dismissing defendant Crotty altogether from
19 this action;
- 20 2. Any reply by Defendants to Plaintiff's response shall be filed and served within
21 ten days of the date of service of Plaintiff's response; and
- 22 3. Plaintiff's failure to comply with this order shall result in a recommendation that
23 this action be dismissed.

24 **IT IS SO ORDERED.**

25 Dated: July 4, 2014

26 /s/ Gary S. Austin
27 UNITED STATES MAGISTRATE JUDGE
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