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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 GEORGE E. JACOBS IV,

12 Plaintiff,

13 vs.

14 W. J. SULLIVAN, et al.,

15 Defendants.  
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1:05-cv-01625-GSA-PC

ORDER DENYING PLAINTIFF'S  
MOTION FOR EXTENSION OF TIME TO  
RESPOND TO ORDER TO SHOW CAUSE  
(Doc. 140.)

ORDER DISCHARGING ORDER TO  
SHOW CAUSE  
(Doc. 127.)

ORDER LIFTING STAY OF TRIAL-  
SETTING PROCEEDINGS  
(Doc. 118.)

NOTICE OF TELEPHONIC STATUS  
HEARING BEFORE MAGISTRATE  
JUDGE GARY S. AUSTIN

**February 5, 2015 at 10:00 a.m.  
in Courtroom 10 (GSA)**

23 Plaintiff George E. Jacobs IV ("Plaintiff") is a state prisoner proceeding pro se and in  
24 forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case was filed  
25 on December 22, 2005. (Doc. 1.) The case now proceeds on the Third Amended Complaint  
26 filed by Plaintiff on May 5, 2010, against defendants Crotty, Nelson, Watson, Chan, McGregor,  
27 Alexander, Carrasco, Blankenship, Jobb, Granillo, Johnson, and Salazar aka Adams, for  
28 violation of Plaintiff's rights under the Eighth Amendment. (Doc. 29.) All parties to this

1 action have consented to the jurisdiction of Magistrate Judge Gary S. Austin under 28 U.S.C. §  
2 636(c), and on June 5, 2013, this case was reassigned to Magistrate Judge Gary S. Austin for all  
3 further proceedings, including trial and final judgment.<sup>1</sup> (Doc. 120.)

4 Defendant Crotty has filed bankruptcy, and on June 23, 2011, the Court stayed the case  
5 against defendant Crotty pursuant to 11 U.S.C. § 362(a), pending resolution of the bankruptcy  
6 proceedings. (Doc. 58.) On April 24, 2013, the court stayed trial-setting proceedings in this  
7 action pending resolution of defendant Crotty's bankruptcy proceedings. (Doc. 118.)

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

17 On July 7, 2014, the court issued an order requiring Plaintiff to show cause, within  
18 thirty days, why this case should not proceed to trial, either continuing to stay the case against  
19 defendant Crotty under 11 U.S.C. § 362(a), or dismissing defendant Crotty from this action.  
20 (Doc. 127.) Plaintiff requested and was granted four extensions of time to respond to the  
21 court's order. (Docs. 129, 131, 132, 133, 134, 135, 136, 137.) On January 20, 2015, Plaintiff  
22 filed another motion for extension of time. (Doc. 140.) Plaintiff argues that he is incapable of  
23 making a reasoned response to the court's order because he is not knowledgeable about  
24 bankruptcy law and has been unable to gain access to the prison's law library to conduct

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26 <sup>1</sup> On January 17, 2006, Plaintiff consented to the jurisdiction of a Magistrate Judge under 28 U.S.C.  
27 §636(c). (Doc. 3.) On June 4, 2013, Defendants consented to the jurisdiction of Magistrate Judge Gary S. Austin  
28 under 28 U.S.C. §636(c). (Doc. 120.) Defendants state that their "consent to Magistrate Judge Austin shall not be  
construed as consent to any other magistrate judge to whom the case may be reassigned [and] [i]n the event the  
case is reassigned to a magistrate judge other than Magistrate Judge Austin, Defendants reserve the right to  
consent or decline to consent to any subsequently assigned magistrate judge." (Id. at 2.)

1 research. It appears to the court that Plaintiff is unable to show cause why this case should not  
2 proceed to trial. Therefore, Plaintiff's motion for extension of time shall be denied, the court's  
3 order to show cause shall be discharged, and the stay of trial-setting proceedings shall be lifted.

4 **PLEASE TAKE NOTICE**

5 On **February 5, 2015, at 10:00 a.m. in Courtroom 10**, a telephonic status hearing  
6 shall be held in this case before Magistrate Judge Gary S. Austin. Defense counsel shall  
7 arrange for Plaintiff to participate in the hearing and initiate the telephonic hearing at **(559)**  
8 **499-5960**.

9 Accordingly, based on the foregoing, **IT IS HEREBY ORDERED** that:

- 10 1. Plaintiff's motion for extension of time, filed on January 20, 2015, is DENIED;
- 11 2. The court's order to show cause, issued on July 7, 2014, is DISCHARGED;
- 12 3. The stay of trial-setting proceedings in this case, imposed on April 24, 2013, is  
13 LIFTED;
- 14 4. The stay of proceedings in this case against defendant Crotty pursuant to 11  
15 U.S.C. § 362(a), imposed on June 23, 2011, remains in place;
- 16 5. On **February 5, 2015, at 10:00 a.m. in Courtroom 10**, a telephonic status  
17 hearing shall be held in this case before Magistrate Judge Gary S. Austin; and
- 18 6. Defense counsel shall arrange for Plaintiff to participate in the status hearing and  
19 initiate the telephonic hearing at **(559) 499-5960**.

20  
21 IT IS SO ORDERED.

22 Dated: **January 23, 2015**

**/s/ Gary S. Austin**  
23 UNITED STATES MAGISTRATE JUDGE