

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

ROBERT BENYAMINI,)
)
Plaintiff,)
)
vs.)
)
DEBBIE MANJUANO, et al.,)
)
Defendants.)
)
)

1:06-cv-01096-AWI-GSA-PC
ORDER DENYING MOTION TO STAY
PROCEEDINGS
(Doc. 110.)
ORDER GRANTING EXTENSION OF TIME TO
FILE RESPONSE TO DEFENDANTS’ MOTION
FOR SUMMARY JUDGMENT
(Doc. 106.)
THIRTY DAY DEADLINE

I. BACKGROUND

Robert Benyamini (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the original Complaint on August 21, 2006, and this action now proceeds on the Third Amended Complaint filed on May 23, 2008. (Docs. 1, 35.) On August 11, 2011, Plaintiff filed a motion to stay these proceedings. (Doc. 110.)

II. MOTION TO STAY

Plaintiff seeks a stay of the proceedings in this action on the grounds that he may be moved, he suffers from claustrophobia, he is on forced medication, his due process rights will be violated if the case is not stayed and all discovery is not halted, and he is having trouble obtaining copies of his county grievance forms.

1 As Plaintiff has been previously advised, the Court does not lightly stay litigation, due to the
2 possibility of prejudice to defendants. Plaintiff's only pending deadline in this action is to file a response
3 to Defendants' motion for summary judgment filed on August 8, 2011. Although the court recognizes
4 that Plaintiff is challenged by his disabilities and prison conditions, Plaintiff's only remedy is not a stay
5 of this action. This action has been pending since August 21, 2006, and an extended delay shall not be
6 granted without good cause. In the alternative, Plaintiff shall be granted additional time to meet his
7 pending case deadline to file a response to the motion for summary judgment. Therefore, Plaintiff's
8 motion for stay shall be denied.

9 **III. CONCLUSION**

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's motion to stay this action, filed on August 11, 2011, is DENIED;
- 12 2. Plaintiff is GRANTED an extension of time until thirty days from the date of service of
13 this order in which to file a response to Defendants' motion for summary judgment filed
14 on August 8, 2011;
- 15 3. Should Plaintiff require a further extension of time, he must file a motion before the
16 expiration of the current deadline; and
- 17 4. **Further extensions of time shall not be granted without a showing of good cause.**

18
19 IT IS SO ORDERED.

20 Dated: August 22, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE