(PC) Benyamini v.	Manjuano et al	Doc. 1
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8	UN	IITED STATES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA	
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11	ROBERT BENYAMINI,) 1:06-cv-01096-AWI-GSA-PC
12	Plaintiff,) ORDER DENYING MOTION FOR INVESTIGATION AND FOR STAY
13	vs.) (Doc. 189.)
14	DEBBIE MANJUANO, et al.,	ORDER GRANTING EXTENSION OF TIME TO FILE OPPOSITION TO MOTION FOR
15	Defendants.	SUMMARY JUDGMENT (Doc. 152) SIXTY DAY DEADLINE
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18	Robert Benyamini ("Plaintiff") is a former state prisoner proceeding pro se and in forma pauperis	
19	in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the original Complaint on August	
20	21, 2006, and this action now proceeds on the Third Amended Complaint filed on May 23, 2008. (Docs.	
21	1, 35.) On June 28, 2012, Plaintiff filed a motion for the Court to direct an investigation and stay the	
22	proceedings in all of his cases. (Doc. 189.)	
23	I. MOTION FOR INVESTIGATION	
24	Plaintiff requests a Court order "directing full investigation." The Court is not authorized to	
25	direct or conduct investigations on Plaintiff's behalf. "[T]he expenditure of public funds [on behalf of	
26	an indigent litigant] is proper only when authorized by Congress " Tedder v. Odel, 890 F.2d 210,	
27	211-12 (9th Cir. 1989) (quoting <u>United States v. MacCollum</u> , 426 U.S. 317, 321, 96 S.Ct. 2086 (1976)).	
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The in forma pauperis statute does not authorize the expenditure of public funds for the Court to direct 2 or conduct investigations. 28 U.S.C. § 1915. Accordingly, Plaintiff's motion for an investigation shall 3 be denied. II. **MOTION FOR STAY** 4 5 Plaintiff requests a stay of the proceedings in all of his cases pending at the court, because he was recently transferred to Atascadero State Prison and does not have access to his property. As Plaintiff is 6 7 aware, the Court does not lightly stay litigation, due to the possibility of prejudice to defendants. 8 Plaintiff has not shown good cause for the Court to stay all proceedings in this action, and his motion 9 shall be denied. However, Plaintiff shall be granted an extension of time in which to file his opposition 10 to Defendants O'Grady, Wilcox and Wilkerson's motion for summary judgment of January 6, 2012. 11 III. **CONCLUSION** 12 Based on the foregoing, IT IS HEREBY ORDERED that: 13 1. Plaintiff's motion for an investigation and for stay of this action, filed on June 28, 2012, 14 is DENIED; Within sixty days from the date of service of this order, Plaintiff shall file a response to 15 2. 16 Defendants O'Grady, Wilcox and Wilkerson's motion for summary judgment of January 17 6, 2012; 18 3. Should Plaintiff require a further extension of time, he must file a motion before the 19 expiration of the current deadline; and 20 4. Further extensions of time shall not be granted without a showing of good cause. 21 22 IT IS SO ORDERED. 23 **Dated:** July 2, 2012 24 25

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¹To request a stay of more than one case, Plaintiff must file a separate motion <u>in each case</u> for the Court's consideration.