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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY ADDUCCI,	CASE NO. 1:07-cv-00762-AWI-SMS PC
Plaintiff,	ORDER DENYING MOTION TO STAY, AND
v.	GRANTING THIRTY DAY EXTENSION OF
	TIME TO FILE OBJECTION
KELLY HARRINGTON, et al.,	(Doc. 17)
Defendants.	

Plaintiff Anthony Adducci (“Plaintiff”) is a former state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On December 16, 2008, the Court recommended that Plaintiff’s official capacity claims and substantive due process claim be dismissed, and this action proceed on Plaintiff’s personal capacity claims for violation of the Eighth Amendment. On December 29, 2008, Plaintiff filed a motion seeking to stay this action to obtain legal counsel.

Plaintiff’s argument in his motion that the Eleventh Amendment does not bar his official capacity claims for money damages is without merit. Hydrick v. Hunter, 500 F.3d 978, 986-87 (9th Cir. 2007). There is no question that Plaintiff may only proceed on his personal capacity claims. Id. The Court will provide Plaintiff with an extension of time to file an objection to the recommendation, but there are no grounds justifying a stay in this action.

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1 Plaintiff's motion to stay is HEREBY DENIED, and Plaintiff is GRANTED a thirty-day
2 extension of time to file an objection.

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4 IT IS SO ORDERED.

5 **Dated: January 6, 2009**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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