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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEROY DEWITT HUNTER,
Plaintiff,

CASE NO. 1:07-cv-01126-AWI-SKO PC

v.

ORDER DENYING PLAINTIFF’S MOTION
TO STAY CASE UNTIL MARCH 11, 2012

DONNY YOUNGBLOOD, et al.,
Defendants.

(Doc. 49)

Plaintiff Leroy Dewitt Hunter, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 3, 2007. This action is proceeding on Plaintiff’s second amended complaint, filed on December 16, 2010, against Defendant Parker for use of excessive force, in violation of the Due Process Clause of the Fourteenth Amendment. Pursuant to the scheduling order issued on March 31, 2011, the deadline for the completion of all discovery is November 30, 2011, and the deadline for filing pretrial dispositive motions is February 9, 2012.

On November 9, 2011, Plaintiff filed a motion seeking to stay this action until his release from prison on March 11, 2012. At this juncture, there is nothing pending in the case which requires a response from Plaintiff. If the Court issues an order or if Defendant files a motion requiring a response from Plaintiff, he may seek an extension of time to respond.¹ The Court cannot stay an

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¹ The discovery deadline is approaching, but Plaintiff’s motion provides no support for a finding that Plaintiff needs an extension of that deadline. Therefore, the Court declines to grant one *sua sponte*.

1 action for the convenience of a party, and it notes that Plaintiff has made no showing that his ability
2 to litigate this action will differ materially following his release from custody.

3 Accordingly, Plaintiff's motion to stay is HEREBY DENIED, but Plaintiff is not precluded
4 from seeking an extension of time, should one become necessary.

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6 IT IS SO ORDERED.

7 **Dated:** November 22, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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