

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

RODNEY S. KOCH,

CASE NO. 1:09-cv-00116-SMS PC

Plaintiff,

ORDER APPROVING STIPULATION,  
STAYING CASE UNTIL JANUARY 23, 2011,  
AND VACATING SCHEDULING ORDER

v.

DR. JEFFERY NEUBARTH, et al.,

(Docs. 34 and 66)

Defendants.

Plaintiff Rodney S. Koch is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Hasadsri, McGuinness, Neubarth, and Loadholt for acting with deliberate indifference to Plaintiff’s serious medical needs, in violation of the Eighth Amendment, and against Defendant Hasadsri for retaliation in violation of the First Amendment. On October 25, 2010, Plaintiff and Defendants McGuinness, Neubarth, and Loadholt filed a stipulation to stay proceedings until January 23, 2011, to explore settlement negotiations. Defendant Hasadsri, who is represented by separate counsel, did not join in the stipulation and it is unclear whether he intends to participate in the settlement negotiations.

The stipulation is HEREBY APPROVED; this case is STAYED until January 23, 2011; and the scheduling order filed on December 22, 2009, is VACATED. If the case does not settle, the Court will issue a new scheduling order, applicable to all parties including Defendant Hasadsri. If Defendant Hasadsri wants to file a dispositive motion prior to either January 23, 2011, or the issuance of a new scheduling order, he may do so since he is not a party to the request for a stay.

1 However, if he wishes to be a party to the stay and wait until the issuance of a new scheduling order  
2 before taking further action in this case, he may do so.<sup>1</sup>

3

4 IT IS SO ORDERED.

5 **Dated:** October 27, 2010

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

---

<sup>1</sup> If Defendant Hasadsri is not a party to settlement negotiations and the case settles between Plaintiff and Defendants McGuinness, Neubarth, and Loadholt, the Court will issue a new scheduling order applicable to Plaintiff and Hasadsri.