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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNAN HURT,		CASE NO. 1:09-cv-698-LJO-MJS
Plaintiff,		DENYING MOTIONS TO STAY (DOC. 27 & 31)
v.		DENYING MOTION TO SUPPLY DEFENSE WITH COPIES (DOCS. 15, 28 & 32)
DINNIS SMITH, et al.,		DENYING MOTION FOR DEFENSE TO SHOW CAUSE (DOC. 24)
Defendants.		AND
_____ /		ORDERING PLAINTIFF TO RESPOND TO MOTION TO DISMISS BY JULY 15, 2010

Plaintiff Keenan Hurt (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On March 5, 2010, Defendants filed a Motion to Dismiss (Docket # 25). Pending before the Court are numerous motions Plaintiff filed subsequent to Defendant’s Motion to Dismiss. The Court will address Plaintiff’s Motions in turn below.

On April 22, 2010, Plaintiff filed a Motion (Docket # 27) asking the Court to stay these proceedings based on his participation as a government witness in an ongoing trial. Plaintiff alleged that he was being held in protective custody and that this status made it difficult to obtain the proper legal materials necessary to prepare his response to Defendant’s Motion to Dismiss. Plaintiff refiled this same motion on June 7, 2010. The Court’s research reveals that the trial in which Plaintiff was participating as a witness has concluded and should no longer interfere with his ability to litigate this action. Accordingly, Plaintiff’s Motions to Stay (Docket #s 27 & 31) are DENIED. The Court will,

1 however, allow Plaintiff additional time to respond to Defendant's Motion to Dismiss. Plaintiff's
2 response must be filed not later than **July 15, 2010**. Plaintiff's failure to meet this deadline may
3 result in the dismissal of this action.

4 Additionally, Plaintiff has filed three motions asking the Court to serve copies of his filings
5 on the Defendants (Docket #s 15, 28 & 32). The Court directs Plaintiff to paragraph four of the First
6 Informational Order sent to Plaintiff on April 22, 2009, which states that defense counsel receives
7 notice of filings through the Court's electronic filing system. When filing future documents,
8 Plaintiff need not concern himself with sending copies to defense counsel and need not ask the Court
9 to do so on his behalf. Plaintiff's Motion for Leave of Services (Docket # 15), Motion to Supply
10 Defense with Copies (Docket # 28) and Motion for Copies (Docket # 32) are DENIED.

11 On February 2, 2010, the Government filed a change of counsel asking the Court to serve all
12 future filings on attorney Benjamin E. Hall rather than attorney David Taylor Shelledy (Docket # 23).
13 Plaintiff has filed a Motion for Defense to Show Cause (Docket # 24) asking the Court to require the
14 Government to show cause why this change of counsel is necessary. Plaintiff has set forth no basis
15 for his request and has not alleged any prejudice that would be caused by the Government's change
16 of counsel. Accordingly, the Court sees no reason to issue a show cause order. Plaintiff's Motion
17 for Defense to Show Cause (Docket # 24) is DENIED.

18 In sum, it is hereby ORDERED that:

- 19 1. Plaintiff's Motion for Leave of Services (Docket # 15) is DENIED;
- 20 2. Plaintiff's Motion for Defense to Show Cause (Docket # 24) is DENIED;
- 21 3. Plaintiff's Motion to Stay (Docket # 27) is DENIED;
- 22 4. Plaintiff's Motion to Supply Defense with Copies (Docket # 28) is DENIED;
- 23 5. Plaintiff's Motion to Stay (Docket # 31) is DENIED; and,

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1 6. Plaintiff's Motion for Copies (Docket # 32) is DENIED;

2 7. Plaintiff SHALL RESPOND to Defendant's Motion to Dismiss not later than **July 15, 2010**.

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4 IT IS SO ORDERED.

5 Dated: June 12, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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