

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 WILLIAM SUTHERLAND,

12 Plaintiff,

13 vs.

14 JAMES A. YATES, et al.,

15 Defendants.
16

1:09-cv-02152-LJO-GSA-PC

ORDER GRANTING PLAINTIFF'S
MOTION FOR STAY
(Doc. 99.)

ORDER STAYING ALL PROCEEDINGS
IN THIS ACTION UNTIL AUGUST 15,
2014

17 **I. BACKGROUND**

18 William Sutherland ("Plaintiff") is a state prisoner proceeding pro se and in forma
19 pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
20 commencing this action on December 11, 2009. (Doc. 1.) This action now proceeds on the
21 First Amended Complaint filed by Plaintiff on December 6, 2010, against defendants
22 Correctional Officers (C/O) A. Fernando and M. Jericoff for use of excessive force in violation
23 of the Eighth Amendment, and related state claims.¹ (Doc. 15.)
24

25 ¹ On June 16, 2011, the Court dismissed defendant Lieutenant R. Lantz from this action based on
26 Plaintiff's failure to state a claim against him under § 1983. (Doc. 20.) Plaintiff's claims for conspiracy, due
27 process violations, and violations of the Penal Code were also dismissed from this action based on Plaintiff's
28 failure to state a claim upon which relief may be granted under § 1983. (Id.) On February 20, 2014, the Court
issued an order granting in part Defendants' motion for summary judgment of August 17, 2012, granting summary
judgment in favor of Defendant Yates. (Doc. 94.) The Court declined to exercise supplemental jurisdiction over
Plaintiff's state law claim of negligent hiring. (Id. at 2 ¶4.)

1 On September 8, 2011, the Court issued a Discovery/Scheduling Order in this action,
2 establishing a deadline May 8, 2012 for the parties to conduct discovery, and a deadline of July
3 17, 2012 for the filing of pretrial dispositive motions.² (Doc. 27.) The pretrial deadlines have
4 now expired. On February 20, 2014, the Court denied in part Defendants' motion for summary
5 judgment. (Doc. 94.)

6 On February 21, 2014, the court issued an order requiring the parties to notify the court
7 whether a settlement conference would be beneficial. (Doc. 95.) On March 21, 2014,
8 Defendants filed a response to the order, indicating their belief that a settlement conference
9 may be futile, but stating they are willing to participate in a settlement conference if the court
10 believes it would be beneficial. (Doc. 96.)

11 On May 7, 2014, Plaintiff filed a motion to stay the proceedings in this action for sixty
12 days, to allow him time to seek counsel. (Doc. 99.) Defendants have not opposed the motion.

13 **II. MOTION TO STAY**

14 The court has inherent authority to manage the cases before it. Landis v. N. Am. Co.,
15 299 U.S. 248, 254-55 (1936) (“[T]he power to stay proceedings is incidental to the power
16 inherent in every court to control the disposition of the causes on its docket with economy of
17 time and effort for itself, for counsel, and for litigants. How this can best be done calls for the
18 exercise of judgment which must weigh competing interests and maintain an even balance.”)
19 Stays of proceeding in federal court . . . are committed to the discretion of the trial court. See,
20 e.g., Jarvis v. Regan, 833 F.2d 149, 155 (9th Cir. 1987).

21 Plaintiff requests a stay of the proceedings in this action while he seeks counsel to
22 represent him for all trial issues, including pretrial conferences, settlement conferences, jury
23 selection, and trial.

24 ///

25 ///

27 ² On September 18, 2012, the Court granted Defendants an extension of time nunc pro tunc until August
28 17, 2012, to file a motion for summary judgment. (Doc. 54.)

