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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
6

7 TIMOTHY BERTRAM,
8

9 Plaintiff,

10 v.

11 C. SIZELOVE, et al.,

12 Defendants.
13

1:10cv00583 AWI DLB PC

**ORDER DENYING REQUEST FOR
CERTIFICATE OF APPEALABILITY**

**ORDER GRANTING IN PART MOTION
TO STAY, AND STAYING DEFENDANTS'
PENDING MOTION FOR SUMMARY
JUDGMENT FOR 45 DAYS**

(Documents 110 and 111)

14 Plaintiff Timothy Bertram ("Plaintiff") is proceeding pro se and in forma pauperis in this
15 civil rights action filed on April 5, 2010. On April 2, 2012, the Court vacated the Findings and
16 Recommendations regarding Defendants' Motion for Summary Judgment. Defendants' motion for
17 summary judgment is therefore pending.

18 On April 12, 2003, Plaintiff filed a Motion to Stay the action and a Request for a Certificate
19 of Appealability. In the Motion to Stay, Plaintiff explains that he believes that all rulings made by
20 the Magistrate Judge previously assigned to this action were prejudicial and biased. Plaintiff
21 believes that "this is why he was removed from the case." He requests that he be granted leave to
22 appeal all pre-trial and discovery motions.

23 First and foremost, the reassignment of this action to Magistrate Dennis L. Beck was done
24 pursuant to routine case management and did not occur because of Plaintiff's complaints to the
25 Court.

26 Second, a request for an interlocutory appeal to review all orders issued in this action is not
27 procedurally proper, or feasible. If Plaintiff wishes to challenge certain rulings, he may present his
28 arguments to this Court by way of a Motion for Reconsideration pursuant to Federal Rule of Civil

1 Procedure 60(b)(6). If Plaintiff does so, he must specify the ruling(s) at issue and his arguments in
2 support of his position.

3 Finally, to allow Plaintiff time to file any such motions, the Court will stay Defendants'
4 Motion for Summary Judgment for 45 days. If Plaintiff does not file any motions for
5 reconsideration during this time frame, the Court will rule on Defendants' Motion for Summary
6 Judgment.

7 Accordingly, Plaintiff's Motion to Stay this action is GRANTED IN PART. Plaintiff's
8 request for a certificate of appealability is DENIED.

9
10 IT IS SO ORDERED.

11 Dated: April 20, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE