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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ARTHUR T. BUSSIERE,

Plaintiff,

v.

CANO, et al.,

Defendants.

CASE NO. 1:10-cv-00945-AWI-GBC (PC)

ORDER GRANTING DEFENDANT’S
MOTION TO STAY DISCOVERY PENDING
RESOLUTION OF MOTION TO DISMISS

Doc. 72

ORDER GRANTING PLAINTIFF’S REQUEST
FOR STATUS OF PENDING MOTIONS

Doc. 74

ORDER DENYING PLAINTIFF’S MOTIONS
FOR DISCOVERY, WITHOUT PREJUDICE

Docs. 63, 64, 65, 66, 73

ORDER DENYING PLAINTIFF’S MOTION
FOR HEARING TO REVIEW PENDING
MOTIONS

/ Doc. 80

On May 26, 2010, Plaintiff Arthur T. Bussiere (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. Doc. 1. On November 7, 2011, Defendant Lopez filed a motion to dismiss for failure to exhaust administrative remedies. Doc. 62. On February 2, 2012, Defendant Lopez filed a motion to stay discovery pending resolution of the motion to dismiss. Doc. 72. On February 9, 2012, Plaintiff filed a motion for status

1 of pending motions. Doc. 74.¹ On March 1, 2012, Plaintiff filed a motion for a hearing to review
2 pending motions. Doc. 80. On March 5, 2012, the undersigned issued findings and
3 recommendations, recommending to grant Defendant's motion to dismiss, for failure to exhaust
4 administrative remedies. Doc. 81.

5 Given that resolution of Defendant's motion to dismiss may conclude this action and render
6 any need for discovery unnecessary, Defendant's motion to stay discovery is GRANTED. Discovery
7 is HEREBY ORDERED STAYED, pending the District Judge's ruling on the findings and
8 recommendations.² Therefore, Plaintiff's pending discovery motions are DENIED, without
9 prejudice.³ Furthermore, a hearing is not necessary to review Plaintiff's pending motions, pursuant
10 to Local Rule 230(l).

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. Defendant's motion to stay discovery is GRANTED;
- 13 2. Plaintiff's pending discovery motions are DENIED, without prejudice;
- 14 3. Discovery is STAYED pending this Court's ruling on the motion to dismiss; and
- 15 4. Plaintiff's motion for hearing to review pending motions is DENIED.

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19 IT IS SO ORDERED.

20 Dated: March 7, 2012


21 UNITED STATES MAGISTRATE JUDGE

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25 ¹ This order serves as a status of Plaintiff's pending motions.

26 ² Should the District Judge decline to adopt the findings and recommendations, the Court will lift this order
27 staying discovery and reinstate the scheduling order or issue an amended scheduling order.

28 ³ Plaintiff's motions for injunctive relief and motion to amend his complaint remain pending on the Court's
docket. Docs. 58, 71, 75.