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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDIN A. CHACON,
Plaintiff,

vs.

J. CERRINI, et al.,
Defendants.

1:11-cv-01689-GSA-PC

ORDER DENYING MOTION FOR STAY
OF ACTION
(Doc. 32.)

I. BACKGROUND

Edin A. Chacon (“Plaintiff”) is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on January 10, 2011. (Doc. 1.) Plaintiff has consented to the jurisdiction of a Magistrate Judge pursuant to 28 U.S.C. 636(c), and no other parties have made an appearance. (Doc. 14.)

This case now proceeds on the First Amended Complaint filed by Plaintiff on May 3, 2012, against defendants Crouch, Tyree, Rivera, and Adame, for retaliation against Plaintiff in violation of the First Amendment.¹ (Doc. 22.) On July 26, 2013, Plaintiff filed a motion for stay of the proceedings in this action. (Doc. 32.)

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¹ On April 18, 2013, the court dismissed all other claims and defendants from this action, based on lack of venue and Plaintiff’s failure to state a claim. (Doc. 28.)

1 **II. MOTION FOR STAY OF ACTION**

2 The Court does not lightly stay litigation, due to the possibility of prejudice to
3 defendants. Here, Plaintiff requests a stay of the proceedings in this action until September 19,
4 2013, because he is being scheduled for parole and is required to pack his property. Plaintiff
5 explains that he will not have access to his legal materials concerning this case until after he
6 has been paroled and is housed in a new residence, which may take several weeks.

7 At this stage of the proceedings, the court finds no good cause to stay this entire action
8 based on Plaintiff's transition to parole. Service of process is currently pending, and Plaintiff
9 does not require access to any of his legal materials for service of process to proceed as
10 ordered. There are presently no pending court deadlines for Plaintiff in this action. As long as
11 Plaintiff keeps the court apprised of his current address, he will receive notice of any court
12 order issued in his case, and if Plaintiff should require an extension of time to meet a court
13 deadline, he can file a motion for extension of time. Therefore, Plaintiff's motion for stay shall
14 be denied.

15 **III. CONCLUSION**

16 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for stay of
17 this action is DENIED.

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21 IT IS SO ORDERED.

22 Dated: August 2, 2013

/s/ Gary S. Austin
23 UNITED STATES MAGISTRATE JUDGE