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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	JOSEPH RAYMOND MCCOY,	)	Case No.: 1:12-cv-000983-AWI-SAB (PC)
12	Plaintiff,	)	ORDER DENYING PLAINTIFF'S MOTION TO
13	v.	)	STAY THE AMENDED SCHEDULING ORDER PENDING RESOLUTION OF THE APPLICATION FOR ORDER OF ENFORCEMENT OF ADMINISTRATIVE AGENCY JUDGMENT
14	STRONACH, et al.,	)	
15	Defendants.	) )	
16			[ECF No. 170]
17	Plaintiff Joseph Raymond McCoy is appearing pro se and in forma pauperis in this civil rights		
18	action pursuant to 42 U.S.C. § 1983.		
19	Currently before the Court is Plaintiff's motion to stay the amended scheduling order pending		
20	resolution of the application for order of enforcement of administrative agency judgment, filed		
21	September 30, 2019.		
22	I.		
23	RELEVANT HISTORY		
24	After this Court granted summary judgment to Defendants based on a failure to exhaust the		
25	administrative remedies, Plaintiff appealed to the United States Court of Appeals for the Ninth Circuit		
26	The Ninth Circuit found in favor of Plaintiff on the exhaustion issue, and remanded the case back to		
27	this Court.		
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This action is proceeding against Defendants Stronach, Gonzales, LeMay, Beltran, Fisher, Snell and Tann for deliberate indifference to a serious medical need in violation of the Eighth Amendment.

On April 25, 2019, the Court issued an amended scheduling order. (ECF No. 129.)

As previously stated, on September 30, 2019, Plaintiff filed the instant motion to stay the amended scheduling order pending resolution of the application for order of enforcement of administrative agency judgment. Defendants filed an opposition on October 21, 2019. Plaintiff did not file a reply and the time do so has now expired. Local Rule 230(1).

II.

## DISCUSSION AND ORDER

On September 30, 2019, Plaintiff filed a motion for application for an order for enforcement of administrative agency judgment and request for judicial notice which is addressed to the United States Court of Appeals for the Ninth Circuit, and lists Appeal No. 15-17148 (the previous appeal underlying the prior dismissal for lack of exhaustion of administrative remedies). The Court has reviewed the docket in Appeal No. 15-17148 and Plaintiff filed the same motion on September 13, 2019, which is pending before the Ninth Circuit. It appears that Plaintiff is now requesting the Court stay the instant action pending a ruling on his motion by the Ninth Circuit. Plaintiff has failed to demonstrate and the Court does not find good cause or any basis to stay this action pending his motion at the Ninth Circuit. Indeed, the Ninth Circuit has not ordered any stay of this action in this Court. Furthermore, the Ninth Circuit denied Plaintiff's motion on November 4, 2019. (ECF No. 194.) Accordingly, Plaintiff's motion to stay is DENIED.

23 || IT IS SO ORDERED.

Dated: **November 7, 2019** 

UNITED STATES MAGISTRATE JUDGE

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