

1 This action is proceeding against Defendants Stronach, Gonzales, LeMay, Beltran, Fisher,
2 Snell and Tann for deliberate indifference to a serious medical need in violation of the Eighth
3 Amendment.

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

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

9 **II.**

10 **DISCUSSION AND ORDER**

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

22
23 IT IS SO ORDERED.

24 Dated: November 7, 2019



UNITED STATES MAGISTRATE JUDGE