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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ANTWOINE BEALER,
12 Plaintiff,
13 vs.
14 R. BRANNUM, et al.,
15 Defendants.
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1:12-cv-01516-AWI-GSA-PC
ORDER DENYING PLAINTIFF'S
MOTION FOR STAY OF PROCEEDINGS
(ECF No. 93.)

17 **I. BACKGROUND**

18 Antwoine Bealer ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis
19 with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971).
20 Plaintiff filed the Complaint commencing this action on September 14, 2012. (ECF No. 1.)
21 This case now proceeds on Plaintiff's Fourth Amended Complaint filed on March 28, 2014,
22 against defendants Sergeant R. Brannum and Correctional Officer S. Rios, for use of excessive
23 force in violation of the Eighth Amendment. (ECF No. 21.)

24 On September 14, 2015, Plaintiff filed a motion for stay of the proceedings in this
25 action. (ECF No. 93.)

26 **II. MOTION TO STAY**

27 Plaintiff requests a stay of the proceedings in this action until he has access to his
28 property and access to the law library. Plaintiff asserts that on July 27, 2015, he was

1 transferred to the Security Housing Unit at Corcoran State Prison, and he has not received any
2 of his property. Plaintiff also asserts that he has not gained access to the law library, although
3 he has requested Priority Legal Use and General Legal Use of the library.

4 The Court does not lightly stay litigation, due to the possibility of prejudice to
5 defendants. Moreover, a stay of the proceedings is not Plaintiff's only remedy to gain an
6 extension of time. Plaintiff's only current deadline pending in this case is to file objections to
7 the findings and recommendations issued on September 16, 2015. If Plaintiff requires
8 additional time to file objections, he should file a motion for extension of time before the
9 expiration of the current deadline.

10 **III. CONCLUSION**

11 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for stay,
12 filed on September 14, 2015, is DENIED.

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14 IT IS SO ORDERED.

15 Dated: September 23, 2015

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