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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 CURLY JOHN BROUSSARD, JR.,

12 Plaintiff,

13 vs.

14 JEFFREY BEARD, et al.,

15 Defendants.
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1:13-cv-01569-LJO-GSA-PC

ORDER DENYING PLAINTIFF'S
MOTION FOR STAY
(Doc. 20.)

ORDER GRANTING EXTENSION OF
TIME TO FILE OBJECTIONS

THIRTY DAY DEADLINE TO FILE
OBJECTIONS TO FINDINGS AND
RECOMMENDATIONS
(Doc. 19.)

21 **I. BACKGROUND**

22 Curly John Broussard, Jr. ("Plaintiff") is a state prisoner proceeding pro se with this
23 civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on June 13, 2013 at
24 the United States District Court for the Central District of California. (Doc. 1.) On September
25 26, 2013, the case was transferred to the Eastern District of California. (Doc. 13.)

26 On November 15, 2013, the court entered findings and recommendations to dismiss this
27 action based on Plaintiff's failure to comply with the court's order of October 4, 2013, which
28 required him to either pay the filing fee for this action or submit an application to proceed in

1 forma pauperis on the court's form. (Doc. 19.) To date, Plaintiff has not filed objections or
2 otherwise responded to the findings and recommendations. (Court Record.)

3 On December 20, 2013, Plaintiff filed a motion to stay the proceedings in this action.
4 (Doc. 20.)

5 **II. MOTION TO STAY**

6 Plaintiff requests the court to stay the proceedings in this action, and in case 1:12-cv-
7 01040-LJO-MJS at this court, pending the processing of a petition for writ of mandate filed by
8 Plaintiff at the Ninth Circuit court of appeals. Plaintiff submits as evidence a copy of a letter to
9 Plaintiff from the Clerk of the Ninth Circuit, dated November 12, 2013, providing Plaintiff with
10 his case number, 13-73933, and advising him about court rules and procedures for proceeding
11 with a petition for writ of mandamus and/or prohibition. (Exhibit to Motion, Doc. 20 at 3.)

12 The Court does not lightly stay litigation, due to the possibility of prejudice to
13 defendants. Plaintiff has not shown good cause for the court to stay this action. Plaintiff's
14 evidence shows that his Ninth Circuit petition is associated with the district court's case 1:12-
15 cv-01040-LJO-MJS; however, there is no evidence that the petition is associated with the
16 present case. (Exhibit to Motion, Doc. 20 at 3.) Plaintiff offers no evidence or explanation in
17 support of his argument that this case should be stayed. Therefore, the motion to stay this
18 action shall be denied.¹

19 Plaintiff's only pending deadline in this action is to file objections, if any, to the court's
20 findings and recommendations of November 15, 2013. In light of the fast approach of this
21 deadline, the court finds good cause to grant Plaintiff additional time to file objections.

22 **III. CONCLUSION**

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. Plaintiff's motion to stay this action, filed on December 6, 2013, is DENIED;
25 and

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¹ Plaintiff's motion to stay case 1:12-cv-01040-LJO-MJS shall be resolved in that case.

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2. Good cause appearing, Plaintiff is GRANTED an extension of time until thirty days from the date of service of this order, to file objections, if any, to the findings and recommendations issued by the court on November 15, 2013.

IT IS SO ORDERED.

Dated: December 11, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE