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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW JAMES GRIFFIN,

Plaintiff,

v.

A. JOHNSON, et al.,

Defendants.

Case No. 1:13-CV-01599-LJO-BAM (PC)

ORDER DENYING PLAINTIFF’S MOTION
TO STAY PROCEEDINGS FOR FRAUD
UPON THE COURT

(ECF No. 120)

Plaintiff Matthew James Griffin (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff’s motion to stay proceedings for fraud upon the court, filed on October 17, 2016. (ECF No. 120.) As grounds for this motion, Plaintiff complains that Defendants’ motion to revoke his in forma pauperis status and to dismiss this action (ECF No. 108) is premised on fraudulent conduct by defense counsel. (*Id.* at p. 2.) In particular, Plaintiff asserts that counsel improperly identified certain dismissal orders as strikes. (*Id.* at pp. 2-7.) Plaintiff therefore requests a stay of proceedings until an evidentiary hearing can be held. (*Id.* at p. 10.)

Plaintiff’s request for a stay is no longer necessary. Defendants’ motion to revoke Plaintiff’s in forma pauperis status was withdrawn on November 15, 2016, and the Court

1 terminated the motion by order on November 17, 2016. (ECF Nos. 139, 140.) As a result, the
2 Court need not address the merits of Defendants' revocation motion or hold an evidentiary
3 hearing. Accordingly, Plaintiff's motion to stay proceedings (ECF No. 120) is HEREBY
4 DENIED as moot.

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6 IT IS SO ORDERED.

7 Dated: August 3, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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