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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DANNY CAESAR,

12 Plaintiff,

13 vs.

14 JEFFREY BEARD, et al.,

15 Defendants.
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1:13-cv-01726-LJO-GSA-PC

ORDER DENYING PLAINTIFF'S
MOTION FOR STAY
(Doc. 13.)

ORDER GRANTING EXTENSION OF
TIME TO FILE OBJECTIONS TO
FINDINGS AND RECOMMENDATIONS
(Doc. 12.)

DEADLINE **JULY 1, 2015**

ORDER FOR CLERK TO SERVE
PLAINTIFF AT TWO ADDRESSES

20 **I. BACKGROUND**

21 Danny Caesar ("Plaintiff") is a state prisoner proceeding pro se with this civil rights
22 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on
23 October 28, 2013. (Doc. 1.) The court screened the Complaint under 28 U.S.C. § 1915 and
24 issued an order on March 17, 2014, dismissing the Complaint for failure to state a claim, with
25 leave to amend. (Doc. 10.) On April 17, 2014, Plaintiff filed the First Amended Complaint.
26 (Doc. 11.) On March 17, 2015, the court entered findings and recommendations,
27 recommending that this case be dismissed, with prejudice, for failure to state a claim. (Doc.
28

1 12.) Plaintiff was granted thirty days in which to file objections to the findings and
2 recommendations. (Id.)

3 On March 25, 2015, Plaintiff filed a motion to stay the proceedings in this action, which
4 is now before the court. (Doc. 13.)

5 **II. MOTION TO STAY**

6 Plaintiff requests a stay of the proceedings in this action, pending the outcome of “a
7 Proposition 36 Hearing at Santa Clara County Superior Court.” Motion, Doc. 13 at 1. Plaintiff
8 does not indicate when the hearing is scheduled or how long it will last; however, he asserts
9 that he was unexpectedly returned to the Santa Clara court, without possession of his property.
10 Plaintiff requests the court to “put my case on hold until such time that I contact [the court] and
11 either ask [the court] to re-open the case or dismiss it altogether, depending on the outcome of
12 my Proposition 36 Hearing.” Id.

13 The Court does not lightly stay litigation, due to the possibility of prejudice to
14 defendants. While Plaintiff has shown good cause for a delay in the proceedings for this action,
15 Plaintiff’s only remedy is not a stay. Plaintiff’s only pending deadline in this action is to file
16 objections to the findings and recommendations of March 17, 2015 within thirty days.
17 Therefore, Plaintiff shall be granted an extension of time until **July 1, 2015** in which to file
18 objections. Should Plaintiff require a further extension of time, he should file a motion before
19 the current deadline expires.

20 **III. CONCLUSION**

21 Accordingly, IT IS HEREBY ORDERED that:

- 22 1. Plaintiff’s motion to stay the proceedings in this action, filed on March 25, 2015,
23 is DENIED;
- 24 2. Plaintiff is GRANTED an extension of time until **July 1, 2015** to file objections
25 to the findings and recommendations issued by the court on March 17, 2015;
26 and

27 ///

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1 3. The Clerk of Court is directed to serve Plaintiff with a copy of this order at two
2 addresses:

3 (1) Plaintiff's address of record on the court's CM-ECF case
4 management system, and

5 (2) Danny Caesar
6 PFN #BZI551
7 885 N. San Pedro St.
8 San Jose, California 95110

9 **IT IS SO ORDERED.**

10 Dated: **March 30, 2015**

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