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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MERRICK JOSE MOORE,
Plaintiff,
v.
GIPSON, et al,
Defendants.

Case No. 1:13-cv-01820-DAD-BAM (PC)
ORDER REGARDING JOINT STATEMENT
REGARDING MEET-AND-CONFER
CONFERENCE
ORDER GRANTING STAY OF BRIEFING
ON DEFENDANTS’ MOTION TO COMPEL
AND DIRECTING PARTIES TO FILE JOINT
STATUS REPORT
THIRTY (30) DAY DEADLINE

Plaintiff Merrick Jose Moore (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 8, 2017, Defendants filed a motion to compel pursuant to Federal Rule of Civil Procedure 37(a)(3)(B). (ECF No. 43.) On October 3, 2017, the Court granted in part Plaintiff’s second motion for extension of time to file an opposition to Defendants’ motion to compel. (ECF No. 47.) On October 5, 2017, the Court issued an order directing the parties to meet and confer regarding their discovery dispute, and to file a joint statement following the parties’ conference. The Court further stayed further briefing on Defendants’ motion to compel. (ECF No. 48.)

Currently before the Court is the parties’ Joint Statement Regarding Meet-and-Confer Conference. (ECF No. 49.) The parties indicate that they were unable to resolve the outstanding issues from Defendants’ motion to compel, because Plaintiff’s legal property is currently

1 misplaced due to Plaintiff's multiple prison transfers. The parties provided no timeline for when
2 Plaintiff will obtain his legal property, allowing him to determine whether he can provide
3 supplemental responses to Defendants' discovery requests. The parties therefore request that the
4 briefing schedule for Defendants' motion to compel remain stayed until such time that Plaintiff
5 has informed the Court that he has obtained his legal property. (Id.)

6 A district court "has broad discretion to stay proceedings as an incident to its power to
7 control its own docket." Clinton v. Jones, 520 U.S. 681, 706 (1997) (citing Landis v. N. Amer.
8 Co., 299 U.S. 248, 254 (1936)). The party seeking the stay bears the burden of establishing the
9 need to stay the action. Clinton, 520 U.S. at 708.

10 In this case, the Court finds that the parties have adequately established the need to stay
11 briefing on Defendants' motion to compel, to allow Plaintiff to obtain his legal property. Given
12 the possibility that Plaintiff will provide supplemental responses to Defendants' discovery
13 requests, a stay of this motion will preserve judicial and party resources, and may avoid
14 unnecessary briefing. The Court further finds that it will be beneficial to receive a joint status
15 report from the parties. The parties shall address what efforts have been made to locate and
16 return Plaintiff's legal property, and what items, if any, are missing and necessary for Plaintiff to
17 respond to Defendants' discovery requests.

18 Accordingly, IT IS HEREBY ORDERED as follows:

- 19 1. Briefing on Defendants' motion to compel (ECF No. 43) is stayed until further order
20 of the Court;
- 21 2. Within **thirty (30) days** of the date of service of this order, a Joint Status Report shall
22 be filed in this matter, as set forth above.

23
24 IT IS SO ORDERED.

25 Dated: October 12, 2017

26 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE