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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAMES W. MILLNER,)	Case No.: 1:13-cv-02029-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S REQUEST TO
v.)	STAY ACTION
)	
MARTIN BITER, et al.,)	[ECF No. 105]
)	
Defendants.)	
)	
)	

Plaintiff James W. Millner is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 18, 2015, Plaintiff filed a request to stay the action because on or about December 1, 2015, Plaintiff “went out to medical to have surgery on his wrist[,]” and he is not sure when he will be returned to normal housing.

Plaintiff’s request for a stay shall be denied because the only pending deadline in this action is service of Defendant Dr. Dileo for which Plaintiff was granted an extension of 120 days from November 9, 2015, to effectuate service. Thus, at the present time a stay of the action is not warranted

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1 based on Plaintiff's medical condition. If and when an extension of an imminent deadline is
2 necessary, Plaintiff may file an appropriate motion at that time. Accordingly, Plaintiff's motion to
3 stay the action is DENIED.

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IT IS SO ORDERED.

Dated: December 28, 2015


UNITED STATES MAGISTRATE JUDGE