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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM BROWN,)	Case No.: 1:13-cv-02084-BAM PC
)	
Plaintiff,)	ORDER STAYING CASE AND REQUIRING
)	PLAINTIFF TO FILE STATUS REPORT
v.)	
)	ORDER DIRECTING CLERK OF COURT TO
CONNIE GIPSON, et al.,)	UPDATE PLAINTIFF’S ADDRESS OF RECORD
)	
Defendants.)	NINETY (90) DAY DEADLINE
)	
)	

Plaintiff William Brown (“Plaintiff”) is a state prisoner proceeding se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of a United States Magistrate Judge. (ECF No. 6.)

On April 25, 2016, the Court dismissed Plaintiff’s first amended complaint for failure to state a claim, with leave to amend within thirty (30) days. (ECF No. 23.) Plaintiff was subsequently granted extensions of time to amend his complaint, (ECF Nos. 25, 27), but he has not yet filed any second amended complaint.

Currently before the Court is Plaintiff’s motion to appoint counsel, filed July 25, 2016. (ECF No. 29.) Plaintiff asserts in that motion that he is the defendant in a criminal case in the County of Del Norte, California. He further asserts that his defense counsel in that action has filed a motion for an opinion as to Plaintiff’s mental competence, and a copy of the motion is attached. The motion, filed

1 May 16, 2016, in the case of People of the State of California v. William Brown, Case No. CRPB-16-
2 5033, requests that the state court suspend its proceedings to make an inquiry into Plaintiff's
3 competence to stand trial in that matter.¹ (ECF No. 29, pp. 11-25.) The motion argues that Plaintiff's
4 psychiatric condition prevents him from fully understanding the nature and purpose of the criminal
5 proceedings against him and that he is unable to assist his counsel in defending the charges pending
6 against him. Due to his alleged mental condition, Plaintiff asserts that his action before this Court
7 presents exceptional circumstances, and that he should be appointed counsel to assist him with
8 amending his complaint.

9 Based on Plaintiff's representations, the Court has conducted an inmate location inquiry, and
10 has determined that he has been moved to Salinas Valley State Prison for psychiatric evaluation.
11 Plaintiff's current status is unknown to the Court. Due to the issues he has raised, the Court requires
12 information on his current status before it may determine whether this case presents the exceptional
13 circumstances required to attempt the appointment of counsel.

14 A district court "has broad discretion to stay proceedings as an incident to its power to control
15 its own docket." Clinton v. Jones, 520 U.S. 681, 706 (1997) (citing Landis v. North American Co.,
16 299 U.S. 254 (1936)). Consequently, the Court will temporarily stay the current proceedings in this
17 case to give Plaintiff time to update the Court on his current mental health condition. Plaintiff must file
18 a status report regarding his mental health condition and any related issues he wishes to raise regarding
19 his request for the appointment of counsel, within ninety (90) days from the date of service of this
20 order. Since the Court has determined that Plaintiff's address has changed, it will request the Clerk of
21 the Court update his address accordingly and serve this order at Plaintiff's current address.

22 Accordingly, IT IS HEREBY ORDERED that:

- 23 1. This action is STAYED pending the filing of Plaintiff's status report;

24 ///

25 ///

27 ¹ A federal court may take judicial notice of court proceedings, including from state courts, that relate to the
28 matters at issue in the case before it. U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d
244, 248 (9th Cir. 1992).

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2. Plaintiff is directed to file a status report within ninety (90) days from the date of service of this order regarding his mental health condition, and any related issues he wishes to raise regarding his request for the appointment of counsel; and
3. The Clerk of the Court is directed to update Plaintiff's address of record to T-58106, Salinas Valley State Prison, P.O. Box 1050, Soledad, CA 93960-1050, and to serve this order upon him at that address.

IT IS SO ORDERED.

Dated: December 8, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE