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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COREY LAMAR SMITH, et al.,
Plaintiffs,
v.
ARNOLD SCHWARZENEGGER, et al.,
Defendants.

Case No. 1:14-cv-00060-LJO-SAB
ORDER STAYING MOTION TO AMEND THE
CONSOLIDATED COMPLAINT AND
VACATING OCTOBER 14, 2015 HEARING
(ECF Nos. 182, 183)

On May 20, 2015, this Court entered a findings and recommendations recommending this action be dismissed on the ground that Defendants are entitled to qualified immunity. On June 24, 2015, Plaintiffs filed objections to the findings and recommendations. Defendants filed a response to the objections on July 20, 2015; and Plaintiff filed objections to the response on July 24, 2015. The findings and recommendations, objections, and responses are pending before the assigned district judge. On September 9, 2015, Plaintiffs filed a motion to amend the consolidated complaint. On September 10, 2015, Plaintiffs filed a stipulation to amend the complaint.

“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” Clinton v. Jones, 520 U.S. 681, 706 (1997). This “power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”

1 Landis v. N. Am. Co., 299 U.S. 248, 254 (1936). Here, staying the motion to amend until the
2 district court issues an order addressing the findings and recommendations will not dispose of any
3 claims or defenses or deny Plaintiffs any relief sought. . S.E.C. v. CMKM Diamonds, Inc., 729
4 F.3d 1248, 1260 (9th Cir. 2013) (A magistrate judge has the authority to issue a stay where the
5 stay does not dispose of any claims or defenses or deny the party any ultimate relief sought).

6 If the district court adopts the findings and recommendations any amendment of the
7 consolidated complaint would be futile. For that reason, the Court finds that to avoid potentially
8 unnecessary litigation expenses for the parties and in the interest of judicial economy the motion
9 to amend shall be stayed until after the district court issues an order on the pending findings and
10 recommendations. Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The motion to amend filed September 9, 2015 is STAYED;
- 12 2. The stipulation to amend the complaint is STAYED;
- 13 3. The hearing set for October 14, 2015 is VACATED; and
- 14 4. The Court shall set a new hearing date once the stay is lifted.

15 IT IS SO ORDERED.

16 Dated: September 10, 2015

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19 UNITED STATES MAGISTRATE JUDGE