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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GREGORY ELL SHEHEE,)	1:14-cv-00122-LJO-BAM
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION
)	TO STAY WITHOUT PREJUDICE
v.)	(ECF No. 10)
)	
YVONNE BEUSTER, et al.,)	
)	
Defendants.)	
)	

Plaintiff Gregory Ell Shehee (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action. Plaintiff initiated this action on January 27, 2014.

On October 30, 2014, Plaintiff filed a motion seeking the appointment of counsel due to his allegations of blindness. (ECF No. 8.) On November 3, 2014, the Court denied the motion without prejudice. In so doing, the Court indicated that it could not ascertain the scope of Plaintiff’s purported legal blindness based on the record presented. The Court also noted that Plaintiff had more than 10 other civil matters pending in this district, but he had not requested counsel in all of those actions. (ECF No. 9.)

On December 1, 2014, Plaintiff filed the instant motion entitled “Notice of Appeal.” In the motion, Plaintiff claims that due to his blindness, he can no longer proceed without an attorney because he is not able to see words. Plaintiff requests that the Court stop all proceedings until he receives surgery. (ECF No. 10.) The Court construes Plaintiff’s moving papers as a motion to stay this action.

1 The district court “has broad discretion to stay proceedings as an incident to its power to
2 control its own docket.” Clinton v. Jones, 520 U.S. 681, 706 (1997) (citing Landis v. North
3 American Co., 299 U.S. 248, 254 (1936)). The party seeking the stay bears the burden of
4 establishing the need to stay the action. Clinton, 520 U.S. at 708.

5 Here, Plaintiff has not carried his burden of establishing the need to stay this action.
6 Plaintiff has not presented any evidence of pending surgery or other pending medical procedure.
7 Plaintiff also has not provided any indication of the extent of the requested stay, including a
8 scheduled surgery date and the anticipated length of his recovery. Plaintiff may file a renewed
9 motion for stay to present such evidence and information to the Court.

10 Accordingly, Plaintiff’s motion for stay is HEREBY DENIED without prejudice.

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12 IT IS SO ORDERED.

13 Dated: December 5, 2014

14 /s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE
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