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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 GREGORY ELL SHEHEE,

12 Plaintiff,

13 vs.

14 AUDREY KING,

15 Defendant.  
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1:14-cv-00590-AWI-GSA-PC

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS OF DECEMBER  
1, 2014  
(Doc. 15.)

ORDER DENYING PLAINTIFF'S  
MOTION FOR STAY  
(Doc. 16.)

ORDER GRANTING EXTENSION OF  
TIME TO FILE FIRST AMENDED  
COMPLAINT

SIXTY DAY DEADLINE

23 **I. BACKGROUND**

24 Gregory Ell Shehee ("Plaintiff") is a civil detainee proceeding pro se with this civil  
25 rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this  
26 action on April 23, 2014. (Doc. 1.) On October 17, 2014, the Court issued an order dismissing  
27 Plaintiff's Complaint for failure to state a claim, with leave to file a First Amended Complaint  
28 within thirty days. (Doc. 12.) The thirty-day deadline expired, and Plaintiff failed to file a

1 First Amended Complaint or otherwise respond to the Court's order. On December 1, 2014,  
2 the court issued findings and recommendations, recommending that this case be dismissed for  
3 Plaintiff's failure to state a claim. (Doc. 15.) Plaintiff was granted thirty days in which to file  
4 objections to the findings and recommendations. (Id.)

5 On December 1, 2014, Plaintiff filed a motion to stay the proceedings in this action.  
6 (Doc. 16.)

7 **II. MOTION TO STAY**

8 Plaintiff requests the court to stay the proceedings in this action until after he has eye  
9 surgery, because he is legally blind and unable to prosecute this case without assistance.  
10 Plaintiff has submitted a medical report dated August 26, 2014, as evidence of his blindness.  
11 (Doc. 11 at 3.)

12 The Court does not lightly stay litigation, due to the possibility of prejudice to  
13 defendants. Plaintiff has shown good cause for the court to allow him time for surgery.  
14 However, a stay of this action is not Plaintiff's only remedy. Plaintiff's pending deadline in  
15 this action is to file a First Amended Complaint. While Plaintiff has not indicated when his  
16 surgery is scheduled or when he will be ready to proceed, the Court shall grant Plaintiff a sixty-  
17 day extension of time to file the First Amended Complaint. Should Plaintiff require a further  
18 extension, he should file a motion before the sixty-day deadline expires, showing good cause  
19 for the extension to be granted.

20 In light of the foregoing, the court shall vacate the findings and recommendations of  
21 December 1, 2014.

22 **III. CONCLUSION**

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. The findings and recommendations issued by the court on December 1, 2014,  
25 are VACATED;
- 26 2. Plaintiff's motion to stay this action, filed on December 1, 2014, is DENIED;  
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3. Good cause appearing, Plaintiff is GRANTED an extension of time until sixty days from the date of service of this order in which to file a First Amended Complaint, pursuant to the court's order of October 17, 2014.

IT IS SO ORDERED.

Dated: December 12, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE