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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

GARY FRANCIS FISHER,	)	1:14-cv-00901-BAM
aka Gary Dale Barger,	)	
	)	ORDER DENYING PLAINTIFF’S
Plaintiff,	)	MOTIONS TO STAY
	)	(ECF Nos. 68, 69)
v.	)	
	)	
YVONNE BEUSTER, et al.,	)	
	)	
Defendants.	)	

Plaintiff Gary Frances Fisher (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on June 20, 2013, and the matter was transferred to this Court on June 12, 2014.

On March 4, 2015, the Court dismissed Plaintiff’s amended complaint with leave to amend. (ECF No. 41.) Plaintiff filed a second amended complaint, in four parts, on April 8, 2015. (ECF Nos. 77, 78, 79, 80.) Plaintiff also flooded the Court with more than twenty separate motions. (ECF Nos. 48-58, 61-69, 71, 73-76.) Within this profusion of documents, Plaintiff filed two separate requests to stay this action. (ECF Nos. 68, 69.)

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) (citing Landis v. North American Co., 299 U.S. 248, 254 (1936)). The party seeking the stay bears the burden of establishing the need to stay the action. Clinton, 520 U.S. at 708.

1 Here, Plaintiff has not carried his burden of establishing the need to stay this action.  
2 Rather, Plaintiff seeks a stay pursuant to Federal Rule of Civil Procedure 62(b), which allows a  
3 district court to stay the execution of a judgment or any proceedings to enforce a judgment. Fed.  
4 R. Civ. P. 62(b). Plaintiff also appears to seek entry of judgment pursuant to Federal Rule of  
5 Civil Procedure 54. (ECF No. 69, p. 2.)

6 Plaintiff is not entitled to judgment at this stage of the proceedings. The Court has not  
7 screened Plaintiff's second amended complaint and no defendant has been served. As Plaintiff  
8 is not entitled to entry of judgment, he also is not entitled to a stay of the execution of any such  
9 judgment.

10 Accordingly, Plaintiff's motions for a stay are HEREBY DENIED without prejudice.

11  
12 IT IS SO ORDERED.

13 Dated: May 5, 2015

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