

1 with economy of time and effort for itself, for counsel, and for litigants.” Landis v. North American
2 Co., 299 U.S. 248, 254 (1936); see also Gold v. Johns–Manville Sales Corp., 723 F.2d 1068, 1077 (3d
3 Cir.1983) (holding that the power to stay proceedings comes from the power of every court to manage
4 the cases on its docket and to ensure a fair and efficient adjudication of the matter at hand). This is
5 best accomplished by the “exercise of judgment, which must weigh competing interests and maintain
6 an even balance.” Landis, 299 U.S. at 254–55. In determining whether a stay is warranted, courts
7 consider the potential prejudice to the non-moving party; the hardship or inequity to the moving party
8 if the action is not stayed; and the judicial resources that would be saved by simplifying the case or
9 avoiding duplicative litigation if the case before the court is stayed. CMAX, Inc. v. Hall, 300 F.2d
10 265, 268 (9th Cir.1962).

11 Plaintiff seeks a stay of the action indicating that he would like to hire a lawyer but has not
12 been able to do so and must rely upon “unskilled jailhouse lawyers.” (Doc. 10 at 2) Unfortunately,
13 this is a circumstance faced by most inmate-litigants and the fact that Plaintiff has attempted to hire
14 counsel but “has been rebuffed at every junction” (Id.) makes clear that retaining a lawyer is not
15 imminent. However, this was the same circumstance as existed when he chose to file his litigation and
16 does not provide any basis for the Court to stay the action.

17 In addition, Plaintiff notes that he is dissatisfied with the content of the law library at his place
18 of incarceration. (Doc. 10 at 2) Notably, however, the Court’s order dismissing his complain was not
19 for lack of properly cited legal authorities; it was because Plaintiff failed to provide sufficient factual
20 support for the Court’s jurisdiction. (Doc. 9 at 3-4) Thus, even the best equipped law library could
21 not assist Plaintiff. Moreover, the Court cited relevant legal authorities such to inform Plaintiff of
22 exactly what was needed in order for him to proceed.

23 Here, the Court finds no inequity if the matter is not stayed. Though the Court appreciates the
24 difficulty in prosecuting a lawsuit without the assistance of a lawyer, every day, the Court is
25 confronted by cases prosecuted by inmates who lack legal training and who have only limited access
26 to legal materials. Nevertheless, they manage to do so fairly well, in most cases. Likewise, the Court
27 finds that the case would not be simplified at all if the stay is granted and, to the contrary, there exists
28 the potential that witnesses will be lost or memories will fade if the matter is delayed.

1 Plaintiff's lack of legal counsel and the state of the law library have not changed from the time
2 he filed the complaint and, despite awareness of these circumstances, Plaintiff chose to file this
3 litigation. Why he now sees these problems are insurmountable is not clear. In any event, he fails to
4 provide any sufficient basis for the request for the stay and, as a result, the stay is **DENIED**.

5 **III. Motion for an extension of time to file the second amended complaint**

6 Plaintiff seeks an extension of time to file the second amended complaint until thirty days after
7 November 30, 2016, when he will be released from custody. (Doc. 10 at 3) He reports that the
8 extension is needed so he can consult a doctor who can "certify whether [sic] the plaintiff has a case."
9 Id. at 3. However, at this time, the question is not so much whether Plaintiff has a case—though,
10 admittedly, Plaintiff has not yet shown this--but whether this Court has jurisdiction to decide the case.
11 (Doc. 9 at 3-4).

12 The Court has been provided no explanation why, if Plaintiff felt he needed the assistance of
13 the medical doctor before he could be confident he has a case against the Defendants, he filed the
14 lawsuit at this time in this Court. He fails to explain how retaining a doctor could address the pleading
15 deficiencies noted in Court's earlier order and does not explain why he believes the Defendants would
16 not be prejudiced by allowing this case to languish for nearly two years while he completes his prison
17 term. Thus, the motion for an extension is not properly supported and is **DENIED**.

18 **ORDER**

19 For the reasons set forth above, the motion (Doc. 10) is **DENIED**. Plaintiff **SHALL** file his
20 second amended complaint no later than **May 15, 2015**. **Plaintiff is advised that his failure to do so**
21 **will result in an order dismissing the action.**

22
23 IT IS SO ORDERED.

24 Dated: April 16, 2015

/s/ Jennifer L. Thurston
25 UNITED STATES MAGISTRATE JUDGE