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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL ANGEL MORALES,

Plaintiff,

v.

GOVERNOR EDMUND G. BROWN, JR., et
al.,

Defendants.

Case No. 1:14-cv-01717-LJO-SAB

ORDER DENYING STIPULATION TO
STAY ACTION

(ECF Nos. 34, 38)

Defendants filed a motion to dismiss the complaint in this action on June 15, 2015 which was stayed pending decision on a motion for judgment on the pleadings in the related action of Jackson v. State of California, No. 1:13-cv-01055-LJO-SAB. The motion in Jackson was decided on September 17, 2015. On September 22, 2015, an order issued lifting the stay of the action and establishing the briefing schedule for the motion to dismiss with oral argument scheduled for October 16, 2015.

On October 1, 2015, the parties filed a stipulation to stay the proceedings in this action pending decision on the related motions in Smith v. Schwarzenegger, No. 1:14-cv-00060-LJO-SAB. On October 7, 2015, Plaintiff filed an opposition to the motion to dismiss. On this same date, Judge O'Neill issued his ruling in Smith finding that Defendants are entitled to qualified immunity on the Eighth Amendment claims. Smith v. Schwarzenegger, No. 1:14-cv-00060-

1 LJO-SAB, __ F.Supp.3d __, 2015 WL 5915353 (E.D. Cal. Oct. 7, 2015).

2 On October 14, 2015, the parties filed a second stipulation to stay this action and
3 continue the hearing on the motion to dismiss to fully evaluate the implications of the rulings in
4 Jackson and Smith, No. 1:14-cv-00060-LJO-SAB.

5 The Court declines to stay the motion to dismiss which is currently pending in this action.
6 While a portion of the motion is similar to that raised in Jackson and Smith, the motion also
7 raises an unrelated issue that needs to be resolved regardless of the Eighth Amendment issue.
8 The motion is briefed with only a reply pending from Defendants. Accordingly, the stipulation
9 to stay the action is HEREBY DENIED without prejudice.

10 IT IS SO ORDERED.

11 Dated: October 14, 2015

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14 UNITED STATES MAGISTRATE JUDGE

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