1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 IVAN LEE MATTHEWS, No. 1:14-cv-1959 KJM DB P 12 Plaintiff. 13 v. **ORDER** 14 KIM HOLLAND, 15 Defendant. 16 17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges defendant's use of the Guard One security 18 19 system when he was incarcerated at the California Correctional Institution caused him severe 20 sleep deprivation. On January 18, 2019, defendant filed a motion for summary judgment. (ECF 21 No. 68.) On March 5, 2019, Judge Mueller issued an order granting in part and denying in part a 22 motion to dismiss in a related case, Rico v. Beard, No. 2:17-cv-1402 KJM DB P (E.D. Cal.). On March 21, defendants in Rico appealed that order. See Rico v. Beard, No. 19-15541 (9th Cir.). 23 24 On August 29, 2019, this court recommended staying this action pending the resolution of 25 the <u>Rico</u> appeal. (ECF No. 80.) The district judge has not yet ruled on that recommendation. 26 Based on this court's recommendation that this action be stayed, IT IS HEREBY 27 ORDERED that defendant's motion for summary judgment (ECF No. 68) is denied without //// 28 1

1	prejudice to its renewal if Judge Mueller's declines to stay these proceedings or when any stay of
2	the proceedings is lifted.
3	Dated: September 27, 2019
4 5	( Kuoss SP)
6	DEBORAH BARNES UNITED STATES MAGISTRATE JUDGE
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