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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

RUBEN CHAVARRIA, et al.,	Case No. 1:15-cv-00223-LJO-SAB
Plaintiffs,	ORDER DENYING MOTION BY
v.	STIPULATION TO STAY ACTION AND
EDMUND G. BROWN JR., et al.,	REQUIRING DEFENDANTS TO FILE A
Defendants.	RESPONSIVE PLEADING
	(ECF No. 34)

On September 22, 2015, an order issued lifting the stay of this action and requiring Defendants to file a pleading responsive to the complaint within twenty days. (ECF No. 30.) Thereafter, the parties filed a stipulation to extend time for Defendants to file an answer to the complaint which was granted. (ECF Nos. 32, 33.) On October 2, 2015, the parties filed a motion by stipulation to stay the proceedings in this action until the pleadings in the related cases of Jackson, et al. v. Brown, et al., No. 1:13-cv-01055-LJO-SAB, and Smith, et al. v. Schwarzenegger, et al., No. 1:14-cv-0060-LJO-SAB, are finalized.

On October 16, 2015 the Court conducted a status conference in several of these related cases. During the October 16, 2015 conference, the parties discussed the necessity for a stay and the Court's concern that these actions not stagnant unnecessarily on the Court's docket.

1 Counsel for Plaintiffs are attempting to resolve how this action will proceed based on the
2 decisions in Jackson and Smith finding that Defendants are entitled to qualified immunity on the
3 Eighth Amendment claims. The parties are discussing how the qualified immunity decision will
4 impact the additional claims that are raised in these actions. Counsel for the parties agreed at the
5 October 16, 2015 hearing that the deadline to file a responsive document in these related cases
6 shall be extended to December 11, 2015 to allow the parties an opportunity to consider their
7 options due to the qualified immunity findings. Therefore, the stipulation to stay the proceedings
8 at this time is denied without prejudice. The Court finds no need for a status conference to be set
9 at this time.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The motion by stipulation to stay this action is DENIED without prejudice; and
- 12 2. Defendants shall file a pleading responsive to the first amended complaint on or
13 before December 11, 2015.

14 IT IS SO ORDERED.

15 Dated: October 19, 2015

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18 UNITED STATES MAGISTRATE JUDGE