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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LUIS C. DOMINGO,
Plaintiff,
v.

MANAGEMENT & TRAINING
CORPORATION,
Defendants.

Case No.: 1:15-cv-00284 AWI JLT

ORDER DENYING STIPULATION TO STAY
THE ACTION WITHOUT PREJUDICE

(Doc. 15)

In Edison v. United States of America, et al., Case No. 1:12-cv-02026-AWI-JLT and Nuwintore v. United States of America, et al., Case No. 1:13-cv- 00967-AWI-JLT, both plaintiffs have appealed the Court’s determination that the United States of America is not liable. The remaining portion of these cases, against Management & Training Corporation, has been stayed pending the outcome of the appeal. As Mr. Domingo does, the Edison and Nuwintore plaintiffs claim they contracted Valley Fever while housed at Taft Correctional Institution which is a privately run, though government owned, federal prison.

Now before the Court is the stipulation of the parties seeking to stay this action while the appeals in Edison and Nuwintore are decided. (Doc. 15)

I. The stipulation fails to demonstrate that a stay is necessary

A district court has the inherent power to stay its proceedings. This power to stay is “incidental to the power inherent in every court to control the disposition of the causes on its docket

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

11 Here, the Court finds no inequity if the matter is not stayed. Mr. Domingo’s complaint does
12 not name the United States of America. (Doc. 1) This is likely due to the fact that Plaintiff delayed
13 until February 2015 to file his FTCA claim—the very day this action was filed—and the claim has
14 not yet been decided. (Doc. 17 at 2) In any event, at this time, there is no reason to believe that the
15 outcome of the Edison and/or Nuwintore appeals will have or can have any impact on the outcome
16 of this case. Consequently, the Court cannot find that the case would be simplified or that judicial
17 resources would be preserved if the matter was stayed. Therefore, the Court will **DENY** the
18 stipulation (Doc. 15) **WITHOUT PREJUDICE**.

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20 IT IS SO ORDERED.

21 Dated: June 18, 2015

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