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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAKEITH L. MCCOY,
Plaintiff,
v.
A. HOLGUIN, et al.,
Defendants.

1:15-cv-00768-MJS (PC)

ORDER

- (1) GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF TIME;**
- (2) GRANTING DEFENDANTS' MOTION TO STAY; AND**
- (3) DENYING WITHOUT PREJUDICE PLAINTIFF'S DISCOVERY MOTIONS**

(ECF Nos. 40, 49, 50, 53)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. This matter proceeds on Plaintiff's Second Amended Complaint asserting, against nineteen Defendants, excessive force and failure to protect claims relating to a March 2015 assault.

Pursuant to the Court's most recent order, the discovery deadline in this case is February 17, 2017. (ECF No. 46.) Presently pending are two motions to compel filed by

1 Plaintiff. (ECF Nos. 40, 49.) For the reasons set forth below, these motions will be
2 denied without prejudice to their renewal.

3 On January 9, 2017, Defendants filed a motion to revoke Plaintiff's in forma
4 pauperis status (ECF No. 44.) Plaintiff has filed a motion for extension of time to file his
5 opposition to this motion. His request will be granted.

6 Also pending is Defendants' January 31, 2017, motion to stay discovery pending
7 resolution of their motion to revoke Plaintiff's in forma pauperis status. Defendants seek
8 this stay on the grounds that an order on Defendants' motion to revoke may obviate the
9 need for further discovery, and that Plaintiff's request for an extension of time to respond
10 to Defendants' motion to revoke suggests that he would be unable to focus on
11 Defendants' responses to his discovery requests. Plaintiff has not responded to
12 Defendants' motion to stay.

13 "The district court is given broad discretion in supervising the pretrial phase of
14 litigation." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992)
15 (citation and internal quotation marks omitted). District courts also have "wide discretion
16 in controlling discovery." Little v. City of Seattle, 863 F.3d 681, 685 (9th Cir. 1988). A
17 district court "has broad discretion to stay proceedings as an incident to its power to
18 control its own docket." Clinton v. Jones, 520 U.S. 681, 706 (1997) (citing Landis v.
North American Co., 299 U.S. 248, 254 (1936)).

19 Since resolution of Defendants' motion to revoke may indeed obviate the need for
20 further discovery, the Court will grant Defendants' motion to stay.

21 Therefore, IT IS HEREBY ORDERED that:

- 22 1. Plaintiff's motions to compel (ECF Nos. 40, 49) are DENIED without prejudice
23 to their renewal;
- 24 2. Plaintiff's motion for extension of time (ECF No. 50) is GRANTED. Plaintiff
25 shall file his opposition to Defendants' motion to revoke on or before February
26 20, 2017; and

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3. Defendants' motion for a stay (ECF No. 53) is GRANTED. Discovery is stayed pending further Court order.

IT IS SO ORDERED.

Dated: February 6, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE