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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLIFTON HUTCHINS, JR.,

Plaintiff,

v.

BILL LOCKYER, *et al.*,

Defendants.

Case No. 1:15-cv-01537-DAD-HBK

ORDER GRANTING PLAINTIFF’S MOTION
FOR STATUS UPDATE

(Doc. No. 70)

This matter, which was reassigned to the undersigned on November 17, 2020, comes before the Court for initial review. (Doc. No. 69). Plaintiff Clifton Hutchins, Jr., a state prisoner, initiated this action on September 11, 2015 by filing a *pro se* civil rights complaint under 42 U.S.C. § 1983. (Doc. No. 1). Before the Court is Plaintiff’s “notice and motion for ruling,” which the Court construes as a motion for status update. (Doc. No. 70). Plaintiff requests a ruling on Defendants’ December 23, 2019 merits-based motion for summary judgment. (*Id.*).

The Court has undertaken a review of the docket in this matter and notes that a stay was placed on this case on April 10, 2018, pending the Court’s ruling on Defendants’ exhaustion-based motion for summary judgment. (Doc. No. 49). The stay was not lifted, as should have been done, after the Court ruled on Defendants’ exhaustion-based motion for summary judgment. (Doc. No. 55). For this reason, the pending merits-based motion for summary judgment did not come to the attention of the Court until recently.

1 The Court further notes Defendants' merit-based motion for summary judgment is fully
2 briefed and ripe for review. (See Docs. Nos. 59, 67, 68). Although the Court is not in the
3 practice of providing status updates to litigants, the Court informs Plaintiff that it has taken this
4 matter under review and will issue findings and recommendations as expeditiously as possible,
5 considering the Court's current caseload.

6 Accordingly, it is **ORDERED**:

- 7 1. Plaintiff's motion for status update is GRANTED to the extent set forth herein.
8 (Doc. No. 70).
- 9 2. The Clerk of Court shall lift the Stay in this case.

10
11 Dated: August 23, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE