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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AVERILLE WILLIS,
Plaintiff,
v.
NELLYA KANDKHOROVA,
Defendant.

CASE No. 1:15-cv-01572-AWI-MJS (PC)
ORDER APPROVING, IN PART,
STIPULATION FOR STAY OF CASE
(ECF NO. 27)

Plaintiff is a former state prisoner proceeding in forma pauperis and with counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter proceeds against Defendant Kandkhorova on Plaintiff's Eighth Amendment claim for inadequate medical care.

On February 16, 2017, the parties filed a stipulation and request to stay the case. (ECF No. 27.) The request is based on a recent adjudication by the Tehama County Superior Court finding Plaintiff incompetent to stand trial in an unrelated criminal action. They request a six month stay, following which the parties agree to meet and confer regarding Plaintiff's competency status.

While the Court agrees that Plaintiff's competency status warrants a stay, the Court must maintain control of its docket and ensure that cases do not sit idly without reason. Accordingly, the Court will stay the matter for 120 days, and will require the parties to submit a joint status report regarding Plaintiff's competency status ninety days from the date of this order.

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Based on the foregoing, it is HEREBY ORDERED that:

1. The parties' request to stay the case is GRANTED IN PART;
2. The matter is STAYED for 120 days due to Plaintiff's competency status;
and
3. The parties shall file a joint status report regarding Plaintiff's competency status within ninety days from the date of this order.

IT IS SO ORDERED.

Dated: February 21, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE