

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN HANSEN, Plaintiff, vs. P. NKWOCHA, Defendant.	1:15-cv-01665-DAD-GSA-PC ORDER DENYING PLAINTIFF'S MOTION FOR STAY (ECF No. 27.) ORDER GRANTING EXTENSION OF TIME TWENTY-DAY DEADLINE TO FILE OBJECTIONS TO FINDINGS AND RECOMMENDATIONS (ECF No. 22.)
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I. BACKGROUND

Steven Hansen (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on November 2, 2015. (ECF No. 1.) This case now proceeds with Plaintiff’s First Amended Complaint filed on February 29, 2016, against sole defendant Custody Officer Philip Nkwocha (“Defendant”), on Plaintiff’s retaliation claim under the First Amendment. (ECF No. 7.)

1 On April 25, 2017, the court entered findings and recommendations to grant
2 Defendant's motion for summary judgment on the ground that Plaintiff failed to exhaust
3 administrative remedies before filing suit. (ECF No. 22.) Plaintiff was granted thirty days in
4 which to file objections to the findings and recommendations. (Id.) During the next three
5 months Plaintiff requested, and was granted, two thirty-day extensions of time to file
6 objections. (ECF Nos. 23, 24, 25, 26.) To date, Plaintiff has not filed objections.

7 On August 7, 2017, Plaintiff filed a motion to stay the proceedings in this action. (ECF
8 No. 27.)

9 **II. MOTION TO STAY**

10 Plaintiff requests the court to stay the proceedings in this action to allow him additional
11 time to file objections, because “[b]eing that I am a state prisoner my resources are limited and
12 at times restricted.” (Id.)

13 The court does not lightly stay litigation, due to the possibility of prejudice to
14 defendants. Plaintiff has not shown good cause for the court to stay this action. Plaintiff offers
15 no evidence except his conclusory statement to support his argument that this case should be
16 stayed indefinitely. Therefore, the motion to stay this action shall be denied.

17 Moreover, Plaintiff has not shown good cause for an extension of time to file
18 objections. Plaintiff has not explained what resources he needs that are restricted, or why they
19 are restricted. Plaintiff has not shown that he has been diligent in preparing objections or that
20 an extension of time will assist him in defending against summary judgment. Plaintiff filed an
21 opposition to Defendant's motion for summary judgment on September 30, 2016, and has not
22 argued that the opposition was deficient in any way. Further, Plaintiff has already had more
23 than three months to file objections.

24 In the interest of justice, the court shall allow Plaintiff one more extension of time to
25 file objections. Plaintiff shall be granted twenty days in which to file objections, if any.

26 **III. CONCLUSION**

27 Accordingly, IT IS HEREBY ORDERED that:

28 1. Plaintiff's motion to stay this action, filed on August 7, 2017, is DENIED;

2. Plaintiff is GRANTED an extension of time until **twenty days** from the date of service of this order, to file objections, if any, to the findings and recommendations issued by the court on April 25, 2017; and
3. No further extensions of time shall be granted without a showing of good cause.

IT IS SO ORDERED.

Dated: August 10, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE