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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ISSAC DA'BOUR DAWSON,

12 Plaintiff,

13 vs.

14 CDCR, et al.,

15 Defendants.
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1:15-cv-01867-DAD-GSA-PC

ORDER GRANTING DEFENDANTS'
MOTION TO STAY
(ECF No. 43.)

ORDER VACATING DISCOVERY AND
SCHEDULING ORDER OF AUGUST 1,
2017
(ECF No. 46.)

17 **I. BACKGROUND**

18 Isaac Da'Bour Dawson ("Plaintiff") is a state prisoner proceeding pro se and in forma
19 pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds
20 with Plaintiff's initial Complaint filed on December 14, 2015, on Plaintiff's Fourth Amendment
21 claim against Defendants Johnson, Guzman, Gonzales, and Sheldon, and First Amendment
22 retaliation claim against Defendants Guzman, Gonzales, and Marsh. (ECF No. 1.)

23 On July 26, 2017, defendant Sheldon filed an answer to the complaint, and all of the
24 Defendants filed a motion to stay discovery. (ECF Nos. 41, 43.) Following the filing of
25 defendant Sheldon's answer, the court issued a Discovery and Scheduling Order opening
26 discovery on August 1, 2017.¹ (ECF No. 46.)
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28 ¹ Ordinarily, the court issues a Discovery and Scheduling Order opening discovery upon the
filing of an answer by one or more defendants.

1 Based on the following analysis, Defendants’ motion to stay shall be granted, and the
2 Discovery and Scheduling Order shall be vacated.

3 **II. DEFENDANTS’ MOTION TO STAY**

4 The court has inherent authority to manage the cases before it. Landis v. N. Am. Co.,
5 299 U.S. 248, 254-55 (1936) (“[T]he power to stay proceedings is incidental to the power
6 inherent in every court to control the disposition of the causes on its docket with economy of
7 time and effort for itself, for counsel, and for litigants. How this can best be done calls for the
8 exercise of judgment which must weigh competing interests and maintain an even balance.”)
9 Rule 26(c) of the Federal Rules of Civil Procedure authorizes “any order which justice requires
10 to protect a party . . . from annoyance, embarrassment, oppression, or undue burden of
11 expense.” Fed. R. Civ. P. 26(c). Stays of proceeding in federal court, including stays of
12 discovery, are committed to the discretion of the trial court. See, e.g., Jarvis v. Regan, 833 F.2d
13 149, 155 (9th Cir. 1987).

14 Defendants request a stay of discovery pending the resolution of the motion to dismiss
15 filed by defendants Gonzales, Guzman, Johnson, and Marsh on December 14, 2016. (ECF No.
16 27.) Defendants argue that staying discovery until a determination of which defendants and
17 claims are at issue will ensure the just, speedy, and most efficient use of resources, and
18 potentially avoid piecemeal discovery. Defendants argue that because defendant Sheldon is the
19 only defendant who has filed an answer to date, a stay of discovery will avoid the opening of
20 discovery piecemeal, and opening discovery at one time for all Defendants will achieve greater
21 efficiency in the discovery process. Defendants assert that regardless of the outcome of the
22 motion to dismiss, if discovery is stayed at this juncture, the parties may proceed with
23 discovery at one time under a single set of discovery and scheduling deadlines.

24 Defendants’ motion has merit. The court awaits the filing of Plaintiff’s opposition to
25 the pending motion to dismiss, and therefore the motion is not ready for resolution. A stay of
26 discovery at this stage of the proceedings, pending resolution of the motion to dismiss, is likely
27 to protect the parties and the court from undue burden and expense, and the court finds no
28 prejudice to Plaintiff.

