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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EMIEL A. KANDI,

 Plaintiff,

 v.

MANAGEMENT AND TRAINING
CORPORATION, et al.,

 Defendants.

Case No. 1:16-cv-00794-AWI-BAM (PC)

ORDER DENYING MOTION FOR STAY OF
PROCEEDINGS

(ECF No. 31)

Plaintiff Emiel A. Kandi (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.¹

On November 30, 2017, Plaintiff filed a motion to stay all proceedings in this matter due to an impending institutional transfer to an unknown location. (ECF No. 31.) Plaintiff does not specify when this transfer will take place, but requests that the Court stay any further proceedings until notified by Plaintiff of his new address. Plaintiff further requests that the Clerk of the Court hold all mailing to him until notified of Plaintiff’s new address, and states that all of his legal files and materials have been packed for transport and are unavailable. (*Id.*)

The district court “has broad discretion to stay proceedings as an incident to its power to

¹ Plaintiff’s second amended complaint has not yet been screened, but the Court takes judicial notice that Plaintiff has filed his complaint in part under 42 U.S.C. § 1983. Generally, suits against federal officers for the violation of constitutional rights should be filed under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

1 control its own docket.” Clinton v. Jones, 520 U.S. 681, 706 (1997) (citing Landis v. N. Amer.
2 Co., 299 U.S. 248, 254 (1936)). The party seeking the stay bears the burden of establishing the
3 need to stay the action. Clinton, 520 U.S. at 708.

4 Plaintiff has not met his burden of establishing the need to stay this action. Plaintiff
5 appears to be concerned about missing mail from the Court related to this case while he is in
6 transit, but he has not provided any indication of the extent of the requested stay, including his
7 anticipated dates of transport. This action is currently in the screening stage, and the Court will
8 screen Plaintiff’s second amended complaint in due course. Nevertheless, Plaintiff should
9 promptly inform the Court of his new address, as required by the Local Rules, so that he does not
10 miss any communications pertaining to this matter. Plaintiff is further informed that he has
11 nothing due at this time.

12 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for stay of proceedings
13 (ECF No. 31), is DENIED.

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15 IT IS SO ORDERED.

16 Dated: December 1, 2017

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE
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