

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 TO CONTINUE
PROCEEDINGS AS MOOT

(ECF No. 33)

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 did not specify when the transfer would take place, but requested that the Court stay any further proceedings until notified by Plaintiff of his new address. (*Id.*) On December 1, 2017, the Court issued an order denying the motion, as Plaintiff had not met his burden of establishing the need to stay this action. (ECF No. 32.)

On December 7, 2017, Plaintiff filed a notice of change of address and the instant motion

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 to continue proceedings. (ECF No. 33.) Plaintiff states that he is no longer in transit and is now
2 capable of continuing. (Id.)

3 As Plaintiff's motion to stay this action was denied, there is no need to continue the
4 proceedings. Plaintiff's second amended complaint will be screened in due course.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to continue proceedings
6 (ECF No. 32), is DENIED as moot.

7
8 IT IS SO ORDERED.

9 Dated: December 8, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28