1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 JOHN GREGORY STUHAAN, Case No. 1:16-cv-00901-AWI-BAM 12 Plaintiff. ORDER DISCHARGING ORDER TO **SHOW CAUSE** 13 v. (Doc. 9) 14 CITY OF VISALIA, et al., ORDER GRANTING REQUEST FOR 15 Defendants. 16 (Doc. 10) 17 18 Plaintiff John Gregory Stuhaan, with the assistance of counsel, filed the instant civil rights 19 action on June 22, 2016. An Initial Scheduling Conference was set for October 5, 2016. 20 Plaintiff's counsel failed to appear at the conference. Accordingly, the Court issued an order 21 directing Plaintiff's counsel to show cause why sanctions should not be imposed for the failure to appear at the scheduling conference and the failure to effectuate service. (Doc. 9). 22 23 On October 17, 2016, Plaintiff's counsel filed a response to the Court's show cause order. (Doc. 10). Counsel represents that he did not appear at the scheduling conference for two 24 primary reasons: (1) there is a related criminal matter currently pending in Tulare County; and 25 26 (2) Plaintiff's counsel has been diagnosed with cancer, and his treatment has been aggressive and 27 all encompassing, making it difficult to schedule his time. Counsel further explains that he is a 28 solo practitioner and has sought help with the criminal and civil actions from two other attorneys.

Plaintiff now requests a 90 to 120-day stay of this action pending the outcome of the criminal case, and for other counsel "to get up to speed if the case proceeds" and Plaintiff's counsel becomes "more incapacitated." (Doc. 10 at p. 3). Having considered counsels' response, it is HEREBY ORDERED as follows: 1. The Court's Order to Show Cause issued on October 10, 2016, is HEREBY DISCHARGED and no sanctions will be imposed; 2. Plaintiff's request for a stay is GRANTED; 3. This action is STAYED for 120 days during the pendency of Plaintiff's criminal action; and 4. No later than February 1, 2017, Plaintiff shall file a written status report detailing the status of this action and the related criminal matter. IT IS SO ORDERED. Dated: **October 18, 2016**