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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL JACOBSEN,
Plaintiff,
v.
POOL,
Defendant.

Case No. 1:16-cv-01760-BAM (PC)
**ORDER DENYING MOTION TO STAY
PROCEEDINGS**
(ECF No. 25)

Plaintiff Michael Jacobsen (“Plaintiff”) is a county detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on November 21, 2016. (ECF No. 1.) On September 5, 2017, Plaintiff filed a first amended complaint, (ECF No. 16), and on October 5, 2017, Plaintiff lodged a second amended complaint, (ECF No. 18). Plaintiff’s complaint has not yet been screened.

Currently before the Court is Plaintiff’s motion to postpone all proceedings and rulings with request for extensions on any deadlines, including discovery schedule, filed on March 5, 2018. (ECF No. 25.) The Court construes the motion as a motion to stay the proceedings in this matter.

In his motion, Plaintiff states that following the denial of his motion to appoint counsel, he has had a friend contact several civil attorneys from Southern California on his behalf. Several are interested in his case and have requested to meet with him in person upon his release.

1 Plaintiff states that he will be released from custody on March 11, and therefore he requests a stay
2 of 30 days, until April 11. Plaintiff hopes to find an attorney within the first couple of weeks
3 following his release, after which the attorney will be able to file a change of attorney and take
4 over his case. (Id.)

5 The district court “has broad discretion to stay proceedings as an incident to its power to
6 control its own docket.” Clinton v. Jones, 520 U.S. 681, 706 (1997) (citing Landis v. N. Amer.
7 Co., 299 U.S. 248, 254 (1936)). The party seeking the stay bears the burden of establishing the
8 need to stay the action. Clinton, 520 U.S. at 708.

9 Plaintiff has not met his burden of establishing the need to stay this action. The Court first
10 notes that this action is currently in the screening stage. As such, discovery has not yet opened,
11 and there are no pending deadlines at this time. The Court will screen Plaintiff’s amended
12 complaint in due course.

13 Plaintiff is further advised that once he is released, he should promptly inform the Court
14 of his new address, as required by the Local Rules, so that he does not miss any communications
15 pertaining to this matter. Should Plaintiff retain an attorney at any point during this action, his
16 attorney should promptly notify the Court.

17 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for stay of proceedings
18 (ECF No. 25), is DENIED.

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20 IT IS SO ORDERED.

21 Dated: March 6, 2018

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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