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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL JACOBSEN,
Plaintiff,
v.
MALDINADO,
Defendant.

Case No. 1:17-cv-00101-LJO-BAM (PC)
ORDER DENYING MOTION TO STAY
PROCEEDINGS
(ECF No. 44)

Plaintiff Michael Jacobsen (“Plaintiff”) is a former county detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s claim for excessive force in violation of the Fourteenth Amendment against Defendant Maldonado (sued as Maldinado). Defendant Maldonado filed a motion for summary judgment on February 14, 2018. (ECF No. 40.) Plaintiff filed an opposition on February 27, 2018, (ECF No. 41), and Defendant filed a reply on March 5, 2018, (ECF No. 43). That motion is pending before the Court.

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. 44.) Defendant did not file a response. The Court construes the motion as a motion to stay the proceedings in this matter, and the motion is deemed submitted. Local Rule 230(1).

1 In his motion, Plaintiff states that following the denial of his motion to appoint counsel, he
2 has had a friend contact several civil attorneys from Southern California on his behalf. Several
3 are interested in his case and have requested to meet with him in person upon his release.
4 Plaintiff states that he will be released from custody on March 11, and therefore he requests a stay
5 of all proceedings with extensions on any deadlines, including the discovery schedule, for 30
6 days, until April 11. Plaintiff hopes to find an attorney within the first couple of weeks following
7 his release, after which the attorney will be able to file a change of attorney and take over his
8 case. (Id.)

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

13 Plaintiff has not met his burden of establishing the need to stay this action. At this time,
14 the only matter pending before the Court is Defendant’s motion for summary judgment, which is
15 fully briefed and requires no further action by Plaintiff. Although Plaintiff requests a stay of the
16 discovery schedule, the Court notes that discovery will not close until August 14, 2018, well after
17 the stay requested by Plaintiff would expire. Should Plaintiff require an extension of time of a
18 specific deadline, he may request such an extension, supported by good cause, and the Court will
19 consider the request.

20 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for stay of proceedings
21 (ECF No. 44), is DENIED.

22
23 IT IS SO ORDERED.

24 Dated: April 3, 2018

/s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE