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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MITCHELL GARRAWAY,
Plaintiff,
vs.
JACQUILINE CIUFO, et al.,
Defendants.

**1:17-cv-00533-ADA-GSA (PC)
USCA Case No. 23-15482**

**ORDER STAYING PROCEEDINGS AND
DEADLINES IN THIS CASE PENDING
RESOLUTION OF DEFENDANTS'
INTERLOCUTORY APPEAL TO THE
NINTH CIRCUIT**

(ECF No. 160.)

VACATED:

Pretrial Conference

**May 22, 2023 at 1:30 p.m.
District Judge Ana de Alba
In Courtroom 1, 8th floor**

Jury Trial

**August 1, 2023 at 8:30 a.m.
District Judge Ana de Alba
In Courtroom 1, 8th floor**

Plaintiff, Mitchell Garraway, is a federal prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388

1 (1971). This case now proceeds with Plaintiff’s original Complaint filed on April 17, 2017,
2 against defendants Jacqueline Ciufu (Unit Manager), K. Miller (Corrections Officer), and
3 Lieutenant J. Zaragoza (collectively, “Defendants”), for failure to protect Plaintiff in violation of
4 the Eighth Amendment. (ECF No. 1.)

5 On May 28, 2021, the Court issued the Second Scheduling Order in this case, scheduling
6 a Pretrial Conference on September 26, 2022 at 1:30 p.m. before District Judge Dale A. Drozd.
7 (ECF No. 132.) On August 5, 2022, the Court continued the Pretrial Conference to October 17,
8 2022 at 1:30 p.m. before Judge Drozd. (ECF No. 138.)

9 On August 24, 2022, this case was reassigned from District Judge Dale A. Drozd to
10 District Judge Ana de Alba for all further proceedings. (ECF No. 139.)

11 On September 13, 2022, the Court continued the Pretrial Conference to May 22, 2023 at
12 1:30 p.m. before District Judge Ana de Alba and scheduled Jury Trial before Judge de Alba to
13 commence on August 1, 2023 at 8:30 a.m. (ECF No. 146.)

14 On March 31, 2023, Defendants filed a Notice of Interlocutory Appeal to the Ninth
15 Circuit Court of Appeals. (ECF No. 160.) On April 14, 2023, Plaintiff filed an opposition to the
16 Appeal. (ECF No. 163.)

17 In light of Defendants’ interlocutory appeal which is pending at the Ninth Circuit Court
18 of Appeals, the Court finds good cause to stay the proceedings and pending deadlines in this case
19 until resolution of Defendants’ interlocutory appeal. The Court also finds good cause to vacate
20 the Pretrial Conference and Jury Trial scheduled in this case, to be rescheduled after the
21 resolution of Defendants’ interlocutory appeal.

22 Accordingly, good cause appearing, **IT IS HEREBY ORDERED** that:

- 23 1. The proceedings in this action and all pending deadlines at this Court for this
24 action are STAYED pending the resolution of Defendants’ interlocutory appeal
25 to the Ninth Circuit filed on March 31, 2023;
- 26 2. The Pretrial Conference scheduled for May 22, 2023, at 1:30 p.m. before District
27 Judge Ana de Alba is VACATED, to be rescheduled after the resolution of
28 Defendants’ interlocutory appeal; and

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3. The Jury Trial scheduled for August 1, 2023 at 8:30 a.m., before District Judge Ana de Alba is VACATED, to be rescheduled after the resolution of Defendants' interlocutory appeal.

IT IS SO ORDERED.

Dated: May 1, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE