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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 MITCHELL GARRAWAY,  
12 Plaintiff,  
13 vs.  
14 JACQUILINE CIUFO, et al.,  
15 Defendants.  
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1:17-cv-00533-DAD-GSA-PC

**ORDER GRANTING MOTION FOR STAY  
AND EXTENSION OF TIME IN LIGHT OF  
LAPSE IN APPROPRIATIONS  
(ECF No. 33.)**

17 **I. BACKGROUND**

18 Plaintiff Mitchell Garraway is a federal prisoner proceeding *pro se* and *in forma pauperis*  
19 with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971).  
20 This case now proceeds with the original Complaint against defendants Jacqueline Ciufo (Unit  
21 Manager), Corrections Officer K. Miller, and Lieutenant J. Zaragoza (collectively,  
22 “Defendants”), for failure to protect Plaintiff under the Eighth Amendment. This case is currently  
23 in the discovery phase.

24 On January 11, 2019, Defendants filed a motion for stay and extension of time to respond  
25 to discovery. (ECF No. 33.)

26 **II. MOTION FOR STAY AND EXTENSION OF TIME**

27 The court has inherent authority to manage the cases before it. Landis v. N. Am. Co.,  
28 299 U.S. 248, 254-55 (1936) (“[T]he power to stay proceedings is incidental to the power

1 inherent in every court to control the disposition of the causes on its docket with economy of  
2 time and effort for itself, for counsel, and for litigants. How this can best be done calls for the  
3 exercise of judgment which must weigh competing interests and maintain an even balance.”)  
4 Stays of proceedings in federal court . . . are committed to the discretion of the trial court. See,  
5 e.g., Jarvis v. Regan, 833 F.2d 149, 155 (9th Cir. 1987). In addition, “[w]hen an act may or must  
6 be done within a specified time, the court may, for good cause, extend the time.” Fed. R. Civ. P.  
7 6(b)(1).

8 Defendants assert that the continuing resolution that had been funding the Department of  
9 Justice expired at midnight on December 22, 2018, causing a lapse in appropriations for an  
10 indefinite time. Due to the lack of appropriations, Department of Justice attorneys are prohibited  
11 from working except in very limited circumstances, including “emergencies involving the safety  
12 of human life or the protection of property.” 31 U.S.C. § 1342. Defense counsel requests a stay  
13 of Defendants’ time to respond to discovery until Congress has restored appropriations. Counsel  
14 also requests a thirty-day extension of time following the date of restored funding to the  
15 Department of Justice for Defendants to respond to discovery received after the appropriations  
16 lapse to allow time for counsel to prepare responses. Counsel has agreed to notify the court as  
17 soon as Congress has appropriated funds for the Department of Justice.

18 The court does not lightly stay litigation due to the possibility of prejudice. However,  
19 Defendants have shown good cause for a stay of their time to respond to discovery pending the  
20 restoration of funding to the Department of Justice by Congress, and the court finds that any  
21 prejudice to the parties is outweighed by the necessity of a stay. Therefore, the court shall grant  
22 Defendants’ motion for stay and extension of time.

### 23 **III. CONCLUSION**

24 Accordingly, it is **HEREBY ORDERED** that:

- 25 1. Defendants’ motion for stay and extension of time, filed on January 11, 2019, is  
26 **GRANTED**;
- 27 2. Defendants are granted a stay of their time to respond to discovery until funds are  
28 restored to the Department of Justice by Congress;

