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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA

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10 CHRISTOPHER LIPSEY, JR.,) 1:17-cv-00569-LJO-BAM (PC)
11 Plaintiff,) ORDER REGARDING PARTIES'
12 vs.) STIPULATION
13 DR. REDDY, et al.,) ORDER STAYING ALL NON-
14 Defendants.) EXHAUSTION DISCOVERY
15) [Doc. 55]

16 Plaintiff Christopher Lipsey is a state prisoner proceeding *pro se* and *in forma pauperis* in
17 this civil rights action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff's third
18 amended complaint against Defendants Hernandez, Celedon, and Mancilla for excessive force in
19 violation of the Eighth Amendment.

20 On May 2, 2018, Defendants filed a motion for summary judgment on the grounds that
21 Plaintiff failed to properly exhaust administrative remedies. (Doc. 45.) Currently before the
22 Court is a stipulation signed by Plaintiff and counsel for Defendants, seeking to stay all non-
23 exhaustion related discovery until after Defendants' motion for summary judgment has been
24 adjudicated.

25 The district court "has broad discretion to stay proceedings as an incident to its power to
26 control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (citing *Landis v. North*
27 *American Co.*, 299 U.S. 248, 254 (1936)). Under the circumstances of this case, the Court finds
28 that judicial efficiency and resources will be best served by granting the agreed stay here.

1 Good cause appearing, it is HEREBY ORDERED that:

2 1. The parties' stipulated motion to stay all non-exhaustion related discovery (Doc.
3 55) is granted;

4 2. Discovery shall only be conducted on the issue of exhaustion of administrative
5 remedies until Defendants' motion for summary judgment is fully briefed and submitted for
6 ruling before the Court; and

7 3. The deadline to conduct all non-exhaustion related discovery will be reset by the
8 Court after Defendants' pending motion for summary judgment has been ruled upon.

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10 IT IS SO ORDERED.

11 Dated: June 27, 2018

12 /s/ Barbara A. McAuliffe
13 UNITED STATES MAGISTRATE JUDGE
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