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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 ANTHONY E. MACK,

No. CIV S-05-2134-MCE-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 MARSHA ONA, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant  
18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion to stay these proceedings  
19 (Doc. 96).

20 In his motion, plaintiff indicates he has fractured his hand and is requesting the  
21 court stay these proceedings for an undetermined amount of time. He indicates that due to his  
22 injury, he is not able to file responsive pleadings and/or respond to discovery requests. The court  
23 notes that there are no motions currently pending requiring plaintiff's response. Plaintiff has  
24 already filed objections to the pending findings and recommendations regarding the defendants'  
25 motion to dismiss. There are no other matters pending.

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1 According to the current scheduling order, discovery is open until May 1, 2009.  
2 Plaintiff does not suggest that he has been served with any discovery requests requiring a  
3 response, nor that he is attempting to propound any. The parties then have 60 days after the close  
4 of discovery to file dispositive motions. No motions are pending.

5 Therefore, the court finds no immediate need for plaintiff to use his injured hand.  
6 Plaintiff has not informed the court how much time is needed for his hand to heal enough for him  
7 to actively participate in this case. The court is unwilling to enter an indefinite stay in this  
8 matter. However, if something does arise requiring a response plaintiff feels he is unable to  
9 comply with in a timely manner, the court will be willing to entertain a request for an extension  
10 of time for plaintiff to comply. For instance, if plaintiff receives discovery requests to which he  
11 is unable to properly respond, he may request additional time to comply.<sup>1</sup> Similarly, if the  
12 defendants file a motion requiring a response from plaintiff, and he finds he needs additional  
13 time to respond, he may file such a request with the court. Plaintiff is reminded, however, that if  
14 he files such a request, he must inform the court the reason why he needs additional time and  
15 how much additional time he needs.

16 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to stay (Doc. 96)  
17 is denied.

18  
19 DATED: January 20, 2009

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21 **CRAIG M. KELLISON**  
22 UNITED STATES MAGISTRATE JUDGE  
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25 <sup>1</sup> The defendants are requested to work amicably with plaintiff in this matter. If  
26 plaintiff requires additional time to respond to discovery requests, he may request more time  
informally from the propounding defendant. If the parties are unable to reach an agreement as to  
the amount of time needed, plaintiff may file a request with the court.