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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL HUBBARD,

Plaintiff,

No. CIV S-09-0939 JAM GGH P

vs.

C.D. HOUGLAND, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 14, 2010, the undersigned issued findings and recommendations that defendants' motion to dismiss for failure to exhaust administrative remedies be granted and this case dismissed. On July 12, 2010, plaintiff filed objections to the findings and recommendations. Presently pending is plaintiff's July 19, 2010, motion for a stay so he can seek out more evidence, apparently to file additional objections in the future.

Plaintiff filed an opposition to the motion to dismiss and objections to the findings and recommendation. The motion to dismiss cannot stay pending indefinitely as plaintiff seeks out new evidence to make new arguments. Plaintiff has had ample opportunity to respond to the motion to dismiss which he has utilized. Therefore, plaintiff's motion is denied.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for a stay (Doc. 68) be denied.

DATED: July 30, 2010

/s/ Gregory G. Hollows  

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UNITED STATES MAGISTRATE JUDGE

GGH: AB  
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