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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO CHAVEZ,
Plaintiff,
v.
GRANADOZ, et al.,
Defendants.

No. 2:11-cv-1015 WBS CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 8, 2016, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Both parties filed objections to the findings and recommendations.¹

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¹ In their objections, defendants assert the magistrate judge did not assess whether defendant Granadoz is entitled to summary judgment on the basis of qualified immunity as to plaintiff's excessive force claim arising out of Granadoz's use of pepper spray. However, the magistrate judge did address defendants' argument and found that qualified immunity is not a basis for summary judgment. ECF No. 84 at 7.

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Before this court could rule on the objections, however, on February 9, 2016, plaintiff filed Notice of Appeal to the Ninth Circuit. On February 10, 2016, the Clerk processed the appeal to the Ninth Circuit. Because the matter is now pending in the Court of Appeals, this court no longer has jurisdiction to consider the findings and recommendations.

Accordingly, IT IS HEREBY ORDERED that all proceedings in this court are STAYED pending remand from the United States Court of Appeals for the Ninth Circuit.

Dated: February 25, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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