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

JAMES ARMSTEAD,

Plaintiff, No. 2:11-cv-1054 JAM KJN P

VS.

13 TIM V. VIRGA, et al.,

Defendants. ORDER

Pursuant to this court's order of July 3, 2012, this action is proceeding on plaintiff's claims against defendants Virga and Mini: 1) racially-based lockdown in violation of the Equal Protection Clause; 2) denial of access to the telephone; and 3) denial of access to cleaning supplies. (Dkt. No. 51.)

On December 3, 2012, the Magistrate Judge issued an order denying plaintiff's November 13, 2012 motion for an extension of time. On January 10, 2013, plaintiff filed a request for reconsideration of that order. Local Rule 303(b), states "rulings by Magistrate Judges shall be final if no reconsideration thereof is sought from the Court within fourteen days . . . from the date of service of the ruling on the parties. . ." E.D. Local Rule 303(b). Plaintiff's request for reconsideration of the magistrate judge's order of December 3, 2012, is therefore untimely and is denied.

However, in the January 10, 2013 filing, plaintiff states that he is extremely ill, and that until some of his medical concerns are addressed, he is able to see a specialist, or at least not feel so much pain, he will "need to put the matter of this lawsuit on hold." (Dkt. No. 70 at 3.) Good cause appearing, petitioner's request for medical delay is granted. The court will stay the instant action for a period of four months. However, plaintiff is cautioned that the court cannot stay this action for an indefinite period. Therefore, at the end of the four month period, plaintiff shall file a status report as to his medical condition, and if plaintiff seeks an additional continuance of the stay, shall file medical documentation supporting such a request. If plaintiff fails to file a status report, the court will lift the stay of this action, and a new scheduling order will issue.

In light of the four month stay, the January 9, 3013 discovery and scheduling order is vacated. The court will issue a new order if and when the stay is lifted.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's January 10, 2013 request for reconsideration (Docket No. 70) is denied;
  - 2. Plaintiff's January 10, 2013 request for a stay of this action is granted;
- 3. This action is stayed for a period of four months; within four months from the date of this order, plaintiff shall file a status report as set forth above; if plaintiff fails to file the status report, the stay will be lifted, and a new scheduling order will issue; and
  - 4. The January 9, 2013 discovery and scheduling order (dkt. no. 69) is vacated.

DATED: March 4, 2013

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE