

1 and changes in her custodial status, has complicated scheduling. The undersigned had hoped to
2 address matters raised in the defendant's status report, ECF No. 175, and to issue a scheduling
3 order. Once again, the status of plaintiff's criminal case has made scheduling impractical.

4 A jury trial was scheduled in the criminal matter for June 30, 2014. Plaintiff had
5 previously waived her right to counsel in that case and is proceeding pro se. However, following
6 a status conference on June 19, 2014, and based on Ms. McCain's filings in that case and on her
7 conduct during the conference, Judge Nunley declared a doubt regarding her competency and
8 vacated the trial date. USA v. McCain, ECF No. 140. On June 24, 2014, Judge Nunley ordered
9 Ms. McCain to be committed for a mental competency examination² and set a further status
10 conference for August 7, 2014 at 9:30 a.m. to address the results of that examination. In light of
11 foregoing, the undersigned will recommend that this matter be stayed pending Judge Nunley's
12 ruling on plaintiff's competency to proceed in the criminal matter and the further scheduling, if
13 any, of that case.

14 Accordingly, IT IS HEREBY RECOMMENDED that:

- 15 1. This action be stayed pending Judge Nunley's ruling on plaintiff's competency; and
- 16 2. Plaintiff be directed to notify the Court within seven (7) days of Judge Nunley's ruling
17 on her competency to proceed in the criminal matter.

18 These findings and recommendations are submitted to the United States District Judge
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
20 after being served with these findings and recommendations, any party may file written
21 objections with the court and serve a copy on all parties. Such a document should be captioned
22 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
23 within the specified time may waive the right to appeal the District Court's order. Turner v.

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27 ² This is plaintiff's second commitment for a determination regarding her competency in the
28 pending criminal matter. See USA V. McCain, 2:12-cr-0144-TLN, ECF Nos. 46-47.

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Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

DATED: June 24, 2014



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE