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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE WOODSON,
Plaintiff,
v.
A. NANGALAMA,
Defendant.¹

No. 2:11-cv-1589 MCE KJN P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding without counsel. On May 24, 2017, the court issued a minute order directing defendant to file a status report addressing whether plaintiff’s civil case should be stayed until later this year when he is re-evaluated to determine whether he has regained competency to face criminal charges. (ECF No. 66.) On June 13, 2017, defendant filed a status report stating that defendant does not object to a one-time, temporary stay, but citing, contra, Davis v. Walker, 745 F.3d 1303, 1311-12 (9th Cir. 2014).

In Davis, the Ninth Circuit held that a district court’s stay of a prisoner’s civil rights action until the prisoner was “restored to competency” was an appealable final decision, and found that such lengthy and indefinite stay was inappropriate because there was no indication that the prisoner would ever regain the competency needed to lift the stay order. Id.

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¹ Previously-named defendants were dismissed on July 18, 2014. (ECF No. 19.)

1 Here, unlike in Davis, doctors have been appointed to re-evaluate plaintiff's competency
2 for trial in his pending criminal case, People v. Woodson, No. 13F02788 (Sacramento Co.
3 Superior Court). As noted in the May 24 minute order, the superior court expects such re-
4 evaluation to be completed later this year. In light of defendant's lack of objection, the
5 undersigned recommends that this action be temporarily stayed pending such re-evaluation. Once
6 the re-evaluation is received by the superior court, and a determination of competency for trial is
7 made, the court will reopen and revisit the status of this case.

8 Accordingly, IT IS HEREBY RECOMMENDED that this action be temporarily stayed
9 pending re-evaluation of plaintiff's competency for trial in his pending criminal case.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
12 after being served with these findings and recommendations, any party may file written
13 objections with the court and serve a copy on all parties. Such a document should be captioned
14 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
15 objections shall be filed and served within fourteen days after service of the objections. The
16 parties are advised that failure to file objections within the specified time may waive the right to
17 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

18 Dated: June 21, 2017

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21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE

23 /cw/wood1589.temp.stay
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