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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAN PICKELL,
Plaintiff,
v.
STEPHEN P. SANDS, et al.,
Defendants.

No. 2:12-cv-0373 TLN DAD PS

ORDER

Plaintiff Dan Pickell is proceeding pro se in the above entitled action. Accordingly, the matter has been referred to the undersigned pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

On June 19, 2013, plaintiff filed a motion for summary judgment, (Doc. No. 28), and a motion to stay discovery pending the resolution of his motion for summary judgment. (Doc. No. 29.) Plaintiff set the hearing of both motions for August 23, 2013.

However, pursuant to the Status (Pretrial Scheduling) Order issued by the court on May 21, 2013, all discovery in this matter must be completed by August 16, 2013. (Doc. No. 25 at 3.) In this regard, by the time the court hears plaintiff's motion to stay discovery, the time for discovery will have run and the court will be unable to grant plaintiff the relief he requests. Accordingly, plaintiff's motion to stay discovery will be denied without prejudice to renewal.

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Moreover, plaintiff is advised that typically summary judgment should only be entered after an adequate time for discovery has passed. In this regard, it would be unusual for the court to stay discovery to allow resolution of a motion for summary judgment.

CONCLUSION

Accordingly, IT IS HEREBY ORDERED that plaintiff's June 19, 2013 motion to stay discovery (Doc. No. 29) is denied without prejudice.

Dated: July 12, 2013



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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