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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL E. SCHERFFIUS,  
Plaintiff,  
v.  
CHRISTOPHER SMITH,  
Defendants.

No. 2:13-cv-1277 GEB DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. On October 18, 2017, the court granted plaintiff's motion to stay these proceedings. (ECF No. 55.) Plaintiff was ordered to notify the court within 120 days about the status of his health and whether the stay should remain in place.

On February 7, 2018, plaintiff filed a motion to continue the stay based on his health problems. (ECF No. 57.) Defendants do not oppose the motion. (ECF No. 59.)


Accordingly, and good cause appearing, IT IS HEREBY RECOMMENDED that:

1. The stay of these proceedings set out in the court's October 18, 2017 order be continued and this case remain administratively closed; and
2. Plaintiff be ordered to notify the court within 120 days about the status of his health and whether the stay should remain in place.

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1           These findings and recommendations will be submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
3 after being served with these findings and recommendations, any party may file written  
4 objections with the court and serve a copy on all parties. The document should be captioned  
5 “Objections to Magistrate Judge's Findings and Recommendations.” Any response to the  
6 objections shall be filed and served within seven days after service of the objections. The parties  
7 are advised that failure to file objections within the specified time may result in waiver of the  
8 right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: February 14, 2018

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13 DEBORAH BARNES  
14 UNITED STATES MAGISTRATE JUDGE  
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