

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

RICHARD JOSEPH CRANE,

Plaintiff,

v.

RODRIGUEZ, et al.,

Defendants.

Case No. 2:15-cv-0208 TLN KJN P
ORDER

Plaintiff is a state prisoner, proceeding without counsel. On January 12, 2016, defendants filed a motion to vacate plaintiff’s in forma pauperis status based on his alleged violation of 28 U.S.C. § 1915(g) (“three strikes), and a request to stay this action pending ruling on such motion. On January 22, 2016, defendants filed a request for extension of time to file a responsive pleading until fourteen days after the court rules on the motion to vacate plaintiff’s in forma pauperis status (ECF No. 40). Good cause appearing, defendants’ request for an extension of time to file their responsive pleading is granted. Defendants’ request for stay is partially granted; discovery is stayed pending resolution of the pending motion.

On January 11, 2016, plaintiff filed a document styled “Motion Requesting Judicial Notice” that appears directed to the substance of the instant action. (ECF No. 43.) However, motions for summary judgment have not yet been filed, and the court has not ordered plaintiff to file such

1 evidence. Thus, plaintiff's motion is premature and is denied without prejudice to its renewal at
2 the appropriate time.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Defendants' request for an extension of time (ECF No. 44) is granted;
- 5 2. Defendants shall file a responsive pleading fourteen days after disposition of the three
6 strikes motion;
- 7 3. Defendants' request for stay (ECF No. 40) is partially granted; discovery is stayed
8 pending resolution of the pending motion; and
- 9 4. Plaintiff's motion for judicial notice (ECF No. 43) is denied without prejudice.

10 Dated: January 25, 2016

11

12

cran0208.eot

13

14

15

16

17

18

19

20

21

22

23

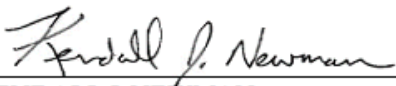
24

25

26

27

28


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE