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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN F. FORDLEY,
Plaintiff,
v.
LIZARRAGA, et al.,
Defendants.

No. 2:16-cv-1985-MCE-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He is currently housed at Mule Creek State Prison. He claims that he is suicidal and is being abused and denied adequate legal supplies. He asks that this case be continued until he is stable and re-housed at R.J. Donovan Correctional Facility, which may not be until some time “next year.” ECF Nos. 35, 36, 37.

There are currently no deadlines to continue in this action. Thus, it appears, that plaintiff is actually seeking a stay of the case. That too, appears unnecessary at this time. If the conditions complained of interfere with plaintiff’s ability to timely comply with future court orders or to prosecute this action, he may request an extension of time as appropriate. It is not necessary at this time to stay all proceedings in this action. *See Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1112 (9th Cir. 2005) (party seeking a stay “must make out a clear case of hardship or inequity” in being required to go forward).

1 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for a continuance
2 (ECF Nos. 35, 36, 37) be denied.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
8 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 DATED: October 3, 2017.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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