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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TODD ROBBEN,

Plaintiff,

v.

GLENN NORLING,

Defendant.

No. 2:16-cv-2699-WBS-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a county inmate proceeding without counsel in an action brought for alleged violations of his civil rights. On August 3, 2017, the court dismissed plaintiff's complaint and granted him thirty days within which to file an amended complaint. ECF No. 19. Thereafter, plaintiff requested a ninety day extension of time to file an amended complaint. See ECF No. 21 (citing other litigation and limited supplies as reasons for request). On August 30, 2017, the court granted plaintiff's request, making his amended complaint due on November 28, 2017. ECF No. 22. Plaintiff now seeks to stay these proceedings on the grounds that he has an upcoming criminal trial and jail officials have destroyed his legal papers and taken his legal supplies. ECF No. 23.

A party seeking a stay must make out a clear case of hardship or inequity in being required to go forward. *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005). This is not a clear case of hardship. The deadline for filing an amended complaint has already been

1 extended to November 28, 2017, which appears to provide plaintiff ample time to prepare and file
2 an amended complaint.¹ If plaintiff's access to legal supplies is denied such that he requires a
3 further extension of time to file an amended complaint, he may file another request before the
4 current deadline expires. Thus, it is not necessary to stay these proceedings.

5 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion to stay (ECF No.
6 23) be denied.

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

14 DATED: October 3, 2017.

15 
16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Indeed, filing an amended complaint should not require extensive research. Nor should
28 it include legal citations or unnecessarily detailed factual allegations. Rather, plaintiff need only
state the factual allegations which give rise to his claims for relief. The court notes further that it
is not a repository for plaintiff's evidence and he need not file documentary evidence in support
of his claims unless it is necessary for the resolution of a motion.