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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE GOLDMAS,  
Plaintiff,  
v.  
L. VAN WEGEN, et al.,  
Defendants.

No. 2:16-cv-3009 JAM DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. On April 3, 2017, plaintiff’s complaint was screened and found to state a First Amendment retaliation claim against Correctional Officer (“CO”) Bacerra, CO Lo, and Sgt. Van Wegen; and an Eighth Amendment excessive force claim against CO Bacerra and Sgt. Van Wegen. Plaintiff was then directed to file either a first amended complaint or a notice of his willingness to proceed on the complaint as screened. When plaintiff failed to respond to the court order, the undersigned issued an order to show cause why this action should not be dismissed for his failure to comply with a court order.

In response, plaintiff, who was transferred to California Health Care Facility (“CHCF”) in February 2017 (see ECF No. 6), filed a letter claiming that he is currently in a mental health clinic, and he does not have access to resources for his case. (ECF No. 11.) He asserts that he will be released when his mental health gets better, but he provides no time frame for this release.


1           Because there is no certainty regarding the length of plaintiff’s stay at CHCF, and it is also  
2 uncertain when he will regain access to his “resources,”<sup>1</sup> the court finds the most appropriate  
3 course would be temporarily staying this case until plaintiff regains access.

4           Accordingly, IT IS HEREBY RECOMMENDED that:

- 5           1. This case be stayed until plaintiff is released from the mental health clinic;
- 6           2. Plaintiff be ordered to inform the court when he is released from the clinic; and
- 7           3. The Clerk of the Court be directed to administratively close this case.

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

16 Dated: July 26, 2017

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20 DEBORAH BARNES  
21 UNITED STATES MAGISTRATE JUDGE

22 /DLB7;  
23 DB/Inbox/Substantive/gold3009.stay.fr  
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28 <sup>1</sup> The court construes the term “resources” as legal and personal property.