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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BINH C. TRAN,
Plaintiff,
v.
K. YOUNG, et al.,
Defendants.

No. 2:17-cv-1260 DB P

ORDER AND
FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to stay this action pending his transfer to another institution.

The United States Supreme Court has clearly indicated that “the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” Landis v. North American Co., 299 U.S. 248, 254–55 (1936). In this regard, “the proponent of the stay bears the burden of establishing its need.” Clinton v. Jones, 520 U.S. 681, 706 (1997).


Plaintiff has failed to show why a stay of these proceedings is necessary. Though plaintiff expresses concern about missing court orders and motions that may result in the dismissal of this

1 action, the record reveals no such prejudice. No dispositive motions have yet been filed in this
2 case, and this matter is still in the screening phase. In addition, plaintiff has long since been
3 transferred to the new institution.

4 Accordingly, IT IS HEREBY ORDERED that a district judge be assigned to this case; and
5 IT IS HEREBY RECOMMENDED that plaintiff's motion for stay (ECF No. 9) be
6 denied.

7 These findings and recommendations will be 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. The document should be captioned
11 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
12 objections shall be filed and served within seven days after service of the objections. The parties
13 are advised that failure to file objections within the specified time may result in waiver of the
14 right to appeal the district court's order. Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991).

15 Dated: January 25, 2018

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19 DEBORAH BARNES
20 UNITED STATES MAGISTRATE JUDGE

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