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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 MCE DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims defendants violated his rights when they failed to protect him, falsified documents and failed to call a requested witness during a disciplinary hearing, and treated him differently than other inmates. Presently before the court is plaintiff’s motion requesting a temporary stay. (ECF No. 40.)

Plaintiff states that on June 12, 2019 he was transferred to a different prison without warning. He further states that he was directed to leave without being afforded the opportunity to pack the property in his cell. Plaintiff alleges he does not have access to his supporting documents at this time and he would be vulnerable to defendants’ motions.

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.


1 How this can best be done calls for the exercise of judgment, which must weigh competing
2 interests and maintain an even balance.” Landis v. North American Co., 299 U.S. 248, 254-55
3 (1936). In this regard, “the proponent of the stay bears the burden of establishing its need.”
4 Clinton v. Jones, 520 U.S. 681, 706 (1997).

5 Pursuant to the court’s June 13, 2019 order, the parties have until October 4, 2019 to
6 conduct discovery. (ECF No. 38.) There are no pending motions for plaintiff to defend at this
7 time. Accordingly, the court does not find that a stay is required at this time. However, plaintiff
8 may request an extension of time should the delay in receiving his property affect his ability to
9 conduct discovery or oppose any motions filed by defendants.

10 For the reasons set forth above, IT IS HEREBY RECOMMENDED that plaintiff’s motion
11 for stay (ECF No. 40) be denied.

12 These findings and recommendations will be submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with a copy of these findings and recommendations, any party may file written
15 objections with the court and serve a copy on all parties. The document should be captioned
16 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
17 objections shall be filed and served within seven days after service of the objections. The parties
18 are advised that failure to file objections within the specified time may result in waiver of the
19 right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991).

20 Dated: June 27, 2019

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24 DEBORAH BARNES
25 UNITED STATES MAGISTRATE JUDGE
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DLB:12
DLB:1/Orders/Prisoner.Civil.Rights/tran1260.stay