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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMON MIKIANGELO BERRY,)	No. C 09-2027 MMC (PR)
III,)	
Plaintiff,)	ORDER GRANTING DEFENDANT’S
v.)	MOTIONS FOR EXTENSION OF TIME
R. METCALFE,)	TO FILE DISPOSITIVE MOTION, TO
Defendant.)	FILE DOCUMENTS UNDER SEAL, AND
_____)	TO STAY DISCOVERY; GRANTING
	PLAINTIFF’S MOTION FOR EXTENSION
	OF TIME TO OPPOSE DISPOSITIVE
	MOTION; DIRECTIONS TO CLERK
	(Docket Nos. 14, 22, 26, 27)

On May 8, 2009, plaintiff, a California prisoner incarcerated at Corcoran State Prison and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. The Court addresses herein several motions filed by the respective parties to said action.

1. Motions for Extensions of Time

Good cause appearing,

a. Defendant’s motion for an extension of time to file a motion for summary judgment or other dispositive motion is hereby GRANTED, and the motion for summary judgment filed by defendant on April 12, 2010 is deemed timely.

b. Plaintiff’s motion for an extension of time to file opposition, styled as a “motion to vacate” the court-ordered deadline, is hereby GRANTED. Within **thirty** days of the date this order is filed, plaintiff shall file with the Court and serve on defendant’s counsel opposition to defendant’s motion for summary judgment. Defendant shall file a reply to

1 plaintiff's opposition within **fifteen** days of the date such opposition is filed.

2 2. Motion to Stay Discovery

3 Also pending before the Court is defendant's motion to stay discovery until the Court
4 has ruled on the motion for summary judgment. Specifically, defendant requests that
5 discovery be stayed because defendant has moved for qualified immunity. As a general
6 rule, a district court should stay discovery until the issue of qualified immunity is resolved.
7 See Crawford-El v. Britton, 523 U.S. 574, 598 (1998); Harlow v. Fitzgerald, 457 U.S. 800,
8 818 (1982). Accordingly, defendant's motion to stay discovery until the Court has ruled on
9 the issue of qualified immunity, as raised in defendant's motion for summary judgment, is
10 hereby GRANTED.

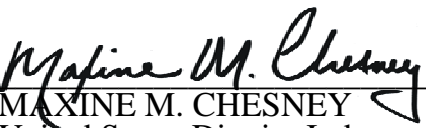
11 3. Motion for Sealing Order

12 Lastly, defendant moves the Court to review *in camera* and file under seal the
13 "Confidential Declaration of S. Henley in Support of Defendant's Motion for Summary
14 Judgment" and accompanying exhibit. Defendant contends the release of such documents,
15 which include names of confidential sources and details regarding confidential
16 investigations of violence at Salinas Valley State Prison, could endanger the safety and
17 security of other inmates and officers, as well as that of the institution. The Court having
18 reviewed the subject declaration and exhibit, and good cause appearing, defendant's motion
19 is hereby GRANTED. As requested by defendant, the Clerk of the Court shall file the
20 documents under seal until the conclusion of this case and any appellate proceedings, at
21 which time counsel for defendant will request the return of the documents.

22 This order terminates Docket Nos. 14, 22, 26 and 27.

23 IT IS SO ORDERED.

24 DATED: June 29, 2010

25 
26 MAXINE M. CHESNEY
27 United States District Judge
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