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

RONALD HENRY,

Plaintiff,

v.

STATE OF ALASKA DEPARTMENT OF
REVENUE CHILD SUPPORT
SERVICES DIVISION, et al.,

Defendants.

Case No.: C11-3255 (JSC)

**ORDER DENYING PLAINTIFF'S
MOTION TO STAY CASE (Dkt. No.
42)**

Now pending before the Court is Plaintiff's Motion to Stay Case Pending Appeal. (Dkt. No. 42). On April 5, 2012, the Court issued an Order denying Plaintiff's Motion to Withdraw Consent to a Magistrate Judge (Dkt. No. 38), which Plaintiff appealed to the Ninth Circuit on April 17, 2012. (Dkt. No. 41.) This appeal was not certified by this Court. A district court may certify any order for appellate review that: " involves a controlling question of law as to which there is substantial ground for difference of opinion and an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). "Certification for interlocutory appeal should be applied sparingly and only granted in exceptional situations in which allowing an interlocutory appeal would avoid protracted and expensive litigation." In re Cal. Title Ins. Antitrust Litig., 2010 WL 785798, at *1 (N.D. Cal.

United States District Court
Northern District of California

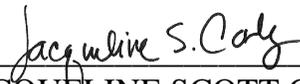
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Mar. 3, 2010). The Court has “substantial discretion to decide whether to grant a motion for certification,” and Plaintiff “has the burden of establishing the existence of such exceptional circumstances” that would justify his appeal. Id.

Here, Plaintiff has not filed a Motion for Certification of Interlocutory Appeal as required by 28 U.S.C. § 1292(b). In addition, Plaintiff has not articulated any exceptional circumstances that would justify an interlocutory appeal in this case. The Court therefore DENIES Plaintiff’s motion to stay this case. The Court will, however, grant Plaintiff one additional week to file his opposition, if any, to Defendants’ Motion to Dismiss (Dkt. No. 39) and his response to the Court’s Order to Show Cause (Dkt. No. 38). Both shall be filed on or before April 27, 2012. Defendants likewise have an additional week to file any reply, but the hearing will still proceed on May 3, 2012.

IT IS SO ORDERED.

Dated: April 19, 2012



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE