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

JOHN SHEK,

Plaintiff,

No. C 13-02017 WHA

v.

CHILDREN'S HOSPITAL & RESEARCH
CENTER OAKLAND, et al.,

Defendants.

**ORDER DENYING MOTION
FOR STAY PENDING APPEAL
AND GRANTING APPLICATION
TO PROCEED *IN FORMA*
PAUPERIS ON APPEAL**

Mr. Shek has filed a notice of appeal of an order and judgment dismissing this action on the ground of *res judicata* (Dkt. No. 106). Following review of Mr. Shek's accompanying declaration, Mr. Shek's application to proceed *in forma pauperis* on appeal is **GRANTED**.

Mr. Shek also seeks to stay the judgment pending appeal. Deciding whether to grant a stay pending appeal requires balancing four factors: (1) whether the applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).


Upon review of Mr. Shek's rambling and often incomprehensible motion papers, this

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order finds that he has not made a strong showing that he is likely to succeed on the merits. Nor is there any basis to conclude that Mr. Shek will be irreparably harmed absent a stay. It is not necessary, therefore, to address the other balancing factors. The motion for a stay pending appeal is **DENIED**.

IT IS SO ORDERED.

Dated: October 15, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE