

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOEL DAVID KAUFMAN,
Plaintiff,
v.
M. E. SPEARMAN, et al.,
Defendants.

Case No. [15-cv-02777-JD](#)

ORDER ON MOTIONS

Re: Dkt. Nos. 76, 89

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff alleges that defendants were deliberately indifferent to his food allergies by not providing appropriate allergy free meals. Defendants filed a motion for summary judgment stating that they were not deliberately indifferent to plaintiff’s medical needs and they are entitled to qualified immunity. Plaintiff has filed an opposition and defendants filed a reply. Plaintiff has already sought extensive discovery which has been provided by defendants and the Court issued subpoenas for additional information. Defendants now seek to stay discovery pending the ruling on the summary judgment motion.

A district court should stay discovery until the threshold question of qualified immunity is settled. *See Crawford-El v. Britton*, 523 U.S. 574, 598 (1998); *Anderson v. Creighton*, 483 U.S. 635, 646 n.6 (1987); *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982); *Dimartini v. Ferrin*, 889 F.2d 922, 926 (9th Cir. 1989), amended, 906 F.2d 465 (9th Cir. 1990), cert. denied, 501 U.S. 1204 (1991). In light of these cases, the motion to stay is granted and plaintiff may pursue additional discovery if the summary judgment motion is denied.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Court orders as follows:

1. Defendants' motion to stay discovery (Docket No. 76) is **GRANTED**.
2. Plaintiff's motion for an independent investigation by the California Attorney General or the Federal Bureau of Investigations (Docket No. 89) is **DENIED**.

IT IS SO ORDERED.

Dated: August 23, 2017



JAMES DONATO
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 JOEL DAVID KAUFMAN,
4 Plaintiff,
5 v.
6 M. E. SPEARMAN, et al.,
7 Defendants.
8

Case No. [15-cv-02777-JD](#)

CERTIFICATE OF SERVICE

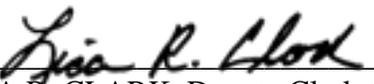
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on August 23, 2017, I SERVED a true and correct copy(ies) of the attached, by
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 Joel David Kaufman
18 AT3133
19 P.O. Box 705
20 Soledad, CA 93960

21 Dated: August 23, 2017

22
23 Susan Y. Soong
24 Clerk, United States District Court

25
26 By: 
27 LISA R. CLARK, Deputy Clerk to the
28 Honorable JAMES DONATO