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3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION

6 LAL BHATIA,

7 Plaintiff,

8 vs.

9 UNITED STATES OF AMERICA, JANET
10 BERRY, STEPHEN CORRIGAN,

11 Defendants.

Case No: C 08-4208 SBA

**ORDER DENYING PLAINTIFF'S
MOTION TO STAY**

Docket 28

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13 Plaintiff Lal Bhatia, acting pro se, filed this matter seeking to enjoin the Government
14 from prosecuting him in United States v. Lal Bhatia, et al., CR 05-00334 SBA. On November
15 6, 2008, the Court dismissed the action for lack of subject matter jurisdiction, since under
16 Douglas v. City of Jeanette, 319 U.S. 157, 163 (1943), courts of equity have no power to enjoin
17 criminal proceedings. Docket 20. Plaintiff appealed the ruling to the Ninth Circuit Court of
18 Appeals, where it remains pending. See USCA No. 08-17784.


19 Plaintiff has now filed a motion to stay CR 05-00334 SBA pending resolution of the
20 appeal taken from the Court's November 6, 2008 Order. The motion lacks merit. To the
21 extent Plaintiff seeks to stay a related criminal action, he should have filed his request in that
22 case, not this one. In addition, as the Court explained in its dismissal order, the Court lacks the
23 authority to enjoin a criminal proceeding. Accordingly,

24 IT IS HEREBY ORDERED THAT Plaintiff's motion to stay is DENIED.

25 This Order terminates Docket No. 28.

26 IT IS SO ORDERED.

27 Dated: March 30, 2010

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SAUNDRA BROWN ARMSTRONG
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LAL BHATIA,
Plaintiff,

v.

UNITED STATES OF AMERICA et al,
Defendant.

_____ /

Case Number: CV08-04208 SBA

CERTIFICATE OF SERVICE

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

That on MARCH 31, 2010 March 31, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lal Bhatia 97562-011/A2D
Taft Correctional Institution
P.O. 7001
Taft, CA 93268

Dated: 3/31/10 March 31, 2010

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk