

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

3 RICK MADSEN,

No. C 09-5457 SBA (PR)

4 Plaintiff,

**ORDER DENYING DEFENDANTS'  
MOTION FOR A STAY OF DISCOVERY**

5 v.

(Docket no. 79)

6 SUE E. RISENHOOVER, et al.,

7 Defendants.  
8 \_\_\_\_\_/

9 Plaintiff Rick Madsen, a state prisoner incarcerated at Pelican Bay State Prison, filed this  
10 civil rights action under 42 U.S.C. § 1983. Defendants have filed a motion for summary judgment.  
11 Defendants have also filed a motion to stay discovery pending the resolution of their motion for  
12 summary judgment regarding the defense of qualified immunity.

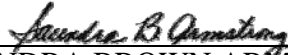
13 A district court has broad discretion to stay discovery pending the disposition of a  
14 dispositive motion. See Panola Land Buyers Ass'n v. Shuman, 762 F.2d 1550, 1560 (11th Cir.  
15 1985); Scroggins v. Air Cargo, Inc., 534 F.2d 1124, 1133 (5th Cir. 1976).

16 Plaintiff alleges that Defendants were deliberately indifferent to his serious medical needs by  
17 providing inadequate medical treatment for his Hepatitis C. The medical care Plaintiff did or did  
18 not receive as well as the circumstances surrounding such allegations are critical to determining the  
19 viability of Plaintiff's claims. Moreover, a stay of discovery could affect Plaintiff's ability to file his  
20 opposition to Defendants' motion for summary judgment. Furthermore, staying discovery would  
21 only further delay resolution of the case if the motion for summary judgment is denied.  
22 Accordingly, Defendants' motion for a stay of discovery (docket no. 79) is DENIED.

23 This Order terminates Docket no. 79.

24 IT IS SO ORDERED.

25 DATED: 2/15/12

  
26 SAUNDRA BROWN ARMSTRONG  
27 United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RICK MADSEN,

Plaintiff,

v.

SUE E. RISENHOOVER et al,

Defendant.

Case Number: CV09-05457 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 February 16, 2012, 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.

Rick Madsen E10400  
Pelican Bay State Prison  
5905 Lake Earl Drive  
Crescent City, CA 95531

Dated: February 16, 2012

Richard W. Wieking, Clerk  
By: Lorene DeBose, Deputy Clerk