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E-FILED - 6/29/10

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

ROY A. MONTES,

Plaintiff,

v.

OFFICER RAFALOWSKI, et al.,

Defendants.

No. C 09-0976 RMW (PR)

ORDER GRANTING DEFENDANTS'
MOTION FOR STAY OF DISCOVERY

(Docket No. 31)

Plaintiff, a California prisoner, filed this pro se civil rights action under 42 U.S.C. § 1983. On April 15, 2009, the court ordered service of plaintiff's complaint. Currently pending before this court is defendants' motion to stay discovery pending the court's ruling on defendants' motion for summary judgment and qualified immunity.

A district court has broad discretion to stay discovery pending the disposition of a dispositive motion. See Panola Land Buyers Ass'n v. Shuman, 762 F.2d 1550, 1560 (11th Cir. 1985). But motions to stay discovery are not favored where resolution of the dispositive motion may not dispose of the entire case. Id. Here, should defendants' motion for summary judgment be granted, it would dispose of the entire case. Moreover, the court should stay discovery until it resolves the question of qualified immunity. See Crawford-El v. Britton, 523 U.S. 574, 598 (1998).

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Accordingly, the court GRANTS defendants' motion to stay discovery until disposition of defendants' motion for summary judgment and qualified immunity.

This order terminates docket no. 31.

IT IS SO ORDERED.

DATED: 6/29/10


RONALD M. WHYTE
United States District Judge