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

JOHN STEVEN HALLMAN,	)	No. C 10-3548 LHK (PR)
)	
Plaintiff,	)	ORDER GRANTING
	)	DEFENDANTS' MOTION TO
v.	)	STAY DISCOVERY;
	)	GRANTING PLAINTIFF'S
	)	MOTION FOR EXTENSION OF
	)	TIME; GRANTING
MATTHEW CATE, et al.,	)	PLAINTIFF'S MOTION TO
	)	AMEND COMPLAINT
Defendants.)	
	)	(Docket Nos. 27, 31 and 33)

Plaintiff, a state prisoner, filed this instant *pro se* prisoner complaint under 42 U.S.C. § 1983. On January 24, 2011, Defendants filed a motion to stay discovery based on qualified immunity. On February 7, 2011, Plaintiff filed a motion for extension of time to file his opposition to Defendants' motion to dismiss. On February 14, 2011, Plaintiff filed a motion for leave to file an amended complaint.

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). However, 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 to dismiss 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

1 (1998). Accordingly, the Court GRANTS Defendants' motion to stay discovery until disposition
2 of Defendants' motion to dismiss.

3 Because it appears no party would be prejudiced by an extension, Plaintiff's motion for
4 extension of time to file his opposition is GRANTED. Plaintiff shall file his opposition, **on or**
5 **before March 25, 2011**. Defendants shall file their reply brief no later than **fifteen (15) days**
6 from the date the opposition is filed.

7 A review of Plaintiff's proposed amended complaint reveals that it adds more details and
8 clarifies Plaintiff's claims, but does not alter the Defendants named or the substance of
9 Plaintiff's allegations. Accordingly, Plaintiff's motion for leave to file an amended complaint is
10 GRANTED. *See* Fed. R. Civ. P. 15(a)(1)(B).

11 The clerk shall file Plaintiff's amended complaint. Plaintiff's amended complaint is the
12 operative complaint. *See* London v. Cooper & Lybrand, 644 F.2d 811, 814 (9th Cir, 1981).

13 This order terminates docket nos. 27, 31 and 33.

14 IT IS SO ORDERED.

15 DATED: 3/14/11

16 
17 LUCY H. KOH
18 United States District Judge