




1 Arguably, this court could maintain jurisdiction because Plaintiff appeals an ancillary aspect  
2 of the case: whether to appoint counsel. Whether Plaintiff has counsel need not affect the ultimate  
3 determination of the case on the merits.

4 To avoid confusion and promote judicial economy, however, the court finds it appropriate to  
5 stay the case pending resolution of Plaintiff's interlocutory appeal. *See Natural Res. Def. Council,*  
6 *242 F.3d at 1166.* If the Ninth Circuit were to reverse the Magistrate Judge's decision, the parties  
7 discovery efforts would most likely need to be supplemented or repeated after the appointment of  
8 counsel. A stay during the pendency of appeal eliminates that risk.

9 For the foregoing reasons, the court hereby STAYS the case pending resolution of Plaintiff's  
10 interlocutory appeal.

11 **IT IS SO ORDERED.**

12 DATED: December 10, 2009

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15 Hon. Jeffrey T. Miller  
16 United States District Judge  
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