

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

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SO. DIST. OF GA.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

VICTOR RIOS CHAVEZ,

Plaintiff,

v.

STACEY N. STONE, Warden;
ANDREW SOLOMON, Optometrist;
and STACEY GILES, Health
Services Administrator,

Defendants.

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CV 315-097

O R D E R

On November 16, 2015, Plaintiff, proceeding *pro se*, initiated this action in which he alleges that Defendants were deliberately indifferent to his serious needs in violation of the Eighth Amendment. (Doc. No. 1.) Specifically, Plaintiff alleges that Defendants have failed to provide him with cataract surgery to correct alleged extreme headaches and vision loss in his left eye. (Id. ¶¶ 21-24.) In his request for relief, Plaintiff seeks: (a) a declaratory order that Defendants have violated his constitutional rights; and (b) an injunction compelling Defendants to provide him with the aforementioned surgery. (Id. ¶¶ 25-26.) On August 22, 2016, Plaintiff filed his Motion for Preliminary Injunction, alleging that he would suffer irreparable harm if the

requested surgery was delayed pending the final resolution of this action. (Doc. No. 18.) On November 16, 2016, this Court denied Plaintiff' Motion for Preliminary Injunction. (Doc. No. 25.) On November 28, 2016, the Court received Plaintiff's Notice of Appeal challenging the denial of his Motion for Preliminary Injunction.¹ (Doc. No. 26.)

Given the nature of the relief sought by Plaintiff in his complaint and the issues to be determined by the Eleventh Circuit in Plaintiff's presently-pending appeal, this Court finds no reason to keep this case on the active docket. For this reason, **IT IS HEREBY ORDERED** that this case is **ADMINISTRATIVELY CLOSED** for all purposes of statistical reporting.² All proceedings herein are **STAYED** until the final resolution of Plaintiff's presently-pending appeal, at which time either party may move to reopen this case.³

¹ Plaintiff also filed a motion for leave to appeal *in forma pauperis*, (doc. no. 31), which the Court denied on January 6, 2017 on the grounds that Plaintiff had failed to present any non-frivolous issue for resolution on appeal. (Doc. No. 33.)

² Administratively closing the case does not prejudice the rights of the parties to this litigation. It is a docket control device used by the Court for statistical purposes.

³ To eliminate any potential prejudice that may have resulted from the denial of Plaintiff's Motion for Preliminary Injunction without the dismissal of Plaintiff's underlying claims, the Court hereby **AMENDS** the Scheduling Order previously entered in this matter on May 27, 2016 (doc. no. 12), to provide the parties **sixty (60) days from the reopening of this case** to file their respective summary judgment motion(s).

ORDER ENTERED at Augusta, Georgia, this 23rd day of
January, 2017.


UNITED STATES DISTRICT JUDGE