

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN R. BLAIR,	)	8:07CV307
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
NEBRASKA DEPARTMENT OF	)	
CORRECTIONAL SERVICES, TIM	)	
PAVEL, TYLER ENDICOTT,	)	
DANIEL WENDT, ROLAND LIEHUS,	)	
CHAD PIERCE, TRACE	)	
MALOUSEK, and MARLIN	)	
LEYBOLD,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff’s Motion to Stay. (Filing No. [71](#).) Also pending are Plaintiff’s Motion for Access to Inmate File (filing no. [74](#)) and Motion to Extend Progression Deadlines (filing no. [76](#)). The court will explore these Motions in turn.

***I. Motion to Stay***

On January 19, 2010, Plaintiff filed a Motion to Stay. (Filing No. [71](#).) In his Motion, Plaintiff asks the court to stay this matter until he resolves his recently filed state court “Wrongful Conviction and Imprisonment Tort Claim.” (*Id.*) Plaintiff argues that if this court does not stay this case, his state court claims will be time barred or, alternatively, barred on res judicata grounds because of the previous rulings in this matter. (Filing No. [72](#).)

The court has carefully reviewed the record in this matter and notes that its previous rulings dismissed some of Plaintiff’s claims without prejudice. (Filing Nos. [67](#) and [69](#).) Plaintiff has entirely failed to demonstrate how these rulings will prevent him from litigating his recently filed state court action. Moreover, this matter has been pending for more than two and a half years. Therefore, Plaintiff’s Motion to Stay is denied.

## ***II. Motion for Access to Inmate File & Motion to Extend Progression Order Deadlines***

Also pending is Plaintiff's Motion for Access to Inmate File. (Filing No. [74](#).) In this Motion, Plaintiff asks the court to issue an order allowing him to inspect his inmate file because he needs to discover who signed his grievances and when Defendants received the Douglas County District Court order vacating his sentence and conviction. (*Id.* at CM/ECF pp. 1-2.) However, the record before the court indicates that Plaintiff has already been provided with copies of his grievances and a copy of the Douglas County District Court order vacating his sentence and conviction. (Filing No. [79](#) at CM/ECF pp. 2-3; Filing No. [80-1](#) at CM/ECF p. 1.) Accordingly, the court finds that Plaintiff has failed to show good cause for access to his inmate file.

Separately, Plaintiff asks the court to extend the Progression Order Deadlines in this matter because he wants to depose Amie Larson ("Larson") about the destruction of his inmate file. (Filing No. [76](#).) The record before the court does not reflect that Plaintiff's inmate file has been destroyed. In addition, the court has declined to grant Plaintiff access to his inmate file. Thus, his request to extend the Progression Order deadlines to depose Larson about his inmate file is moot.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Stay (filing no. [71](#)), Motion to Access to Inmate File (filing no. [74](#)) and Motion to Extend Progression Order Deadlines (filing no. [76](#)) are denied.

DATED this 10<sup>th</sup> day of March, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

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