

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NELSON LLAVATA,

Plaintiff,

vs.

COLE MORROW, *et al.*,

Defendants.

Case No. 2:11-cv-00250-GMN-CWH

**ORDER**

This matter is before the Court on Plaintiff's Motion to Stay (#56), filed July 26, 2012; Defendants' Response (#59), filed August 1, 2012; and Plaintiff's Reply (#60), filed August 16, 2012. It appears Plaintiff is requesting that the Court enter a stay pending his potential need to appeal an adverse ruling on his motion for reconsideration (#52). Given that no ruling has been entered on the motion for reconsideration, the request is premature. To the extent that Plaintiff is requesting that the Court enter a stay until the Court is able to rule on his motion for reconsideration, the request will be denied.

In evaluating whether to issue a stay pending an appeal, the Court must evaluate the following factors:

1) Whether the stay applicant has made a strong showing that he is likely to succeed on the merits; 2) Whether the applicant will be irreparably injured absent a stay; 3) Whether issuance of the stay will substantially injure the other parties interested in the proceeding; and 4) Where the public interest lies.

*See Golden Gate Rest. v. City and County of San Francisco*, 512 F.3d 1112, 1115 (9th Cir. 2008) (citation omitted). Plaintiff has failed to make the requisite showing. Other than expressing his general disagreement with the decision not to extend his copying privileges, Plaintiff has failed to demonstrate or present any argument indicating he is likely to succeed on the merits of the

1 reconsideration. Requiring the parties to move forward will not cause irreparable harm because, as  
2 the Court has indicated, Plaintiff has a remedy in that he may use carbon paper to satisfy his  
3 additional copying needs. See Nevada Department of Corrections Administrative Regulation  
4 702.0(9)(E) (“Carbon paper should be made available to any inmate who requests this item for  
5 legal purposes . . .”). This case has been pending for approximately 18 months and the public  
6 interest lies in moving the case forward.

7 Based on the foregoing and good cause appearing therefore,

8 **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Stay (#56) is **denied**.

9 DATED this 29th day of August, 2012.

10  
11   
12 \_\_\_\_\_  
13 C.W. Hoffman, Jr.  
14 United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28