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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

DeAUNDRAY GASTON,  
Plaintiff,  
vs.  
SHERYL FOSTER, et al.,  
Defendants.

2:12-cv-1655-GMN-NJK

**ORDER**

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Plaintiff's Motion to Stay (Docket No. 41)

Pending before the Court is Plaintiff's Motion to Stay Summary Judgment (Docket No. 41). For the reasons discussed below, Plaintiff's motion is DENIED.

The Court has inherent power to control its docket, including the discretion to stay proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). The determination of whether to stay proceedings is best determined by weighing the competing interests of the parties and of the Court. *Id.*

“Among those competing interests are the possible damage which may result from the granting of a stay, the hardship or inequity which a party may suffer in being required to go forward, and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.”

*Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005); citing *Landis*, 299 U.S. at 268.

Here, Plaintiff has provided no explanation for why the summary judgment determination should be stayed. Plaintiff requests a stay pending a decision on the “First Amended Complaint” filed on August 12, 2013; however, the undersigned United States Magistrate Judge has already recommended the District Judge enter an order striking the referenced amended complaint.


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Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Stay Summary Judgment (Docket No. 41) is DENIED.

IT IS SO ORDERED.

DATED: January 2, 2014.



NANCY J. KOPPE  
United States Magistrate Judge