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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KENTRELL D. WELCH,

Plaintiff,

v.

MICHAEL MINOR, *et al.*,

Defendants.

Case No. 2:19-cv-00480-CDS-BNW

STIPULATION AND ~~PROPOSED~~ ORDER FOR STAY OF CASE PENDING EARLY EXHAUSTION MOTION FOR SUMMARY JUDGMENT [FIRST REQUEST]

The parties, Plaintiff Kentrell D. Welch acting *pro se*, and Defendants by and through their counsel of record, hereby stipulate to stay the case, pending resolution of an Early Exhaustion Motion for Summary Judgment that Defendants plan to file, based on Plaintiff's administrative grievance history. This is the parties' first stipulation to stay the case.

"A court's power to stay proceedings is incidental to its inherent power to manage its docket." Stephens v. Comenity, LLC, 287 F.Supp.3d 1091, 1096 (D. Nev. 2017); citing Landis v. N. Am. Co., 299 U.S. 248, 254–55 (1936). "In determining whether a stay is appropriate, a court 'must weigh competing interests and maintain an even balance.'" Id. at 1097; citing Landis, 299 U.S. at 254–55; see also Lockyer v. Mirant Corp., 398 F.3d 1098, 1110 (9th Cir. 2005). "These competing interests include: (1) possible damage resulting

from granting a stay; (2) hardship or inequity to a party if the proceedings go forward; and (3) simplification or complication of issues, proof and questions of law from a stay." Id.; citing CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962).

As discovery has not commenced, neither party will be prejudiced with a stay in this case. The parties stipulate and agree that this case should be stayed pending the outcome of Defendants' Early Motion for Summary Judgment based on exhaustion. Defendants' Early Motion for Summary Judgment based on Exhaustion shall be filed on or before Monday, December 18, 2023, which is roughly thirty (30) days after the date of this stipulation and proposed order.

DATED this 13 day of November, 2023.

By: _____
KENTRELL D. WELCH
Plaintiff, Pro Se

DATED this 9th day of November, 2023

AARON D. FORD
Attorney General

By: /s/ Leo T. Hendges
LEO T. HENDGES (Bar No. 16034)
Senior Deputy Attorney General
Attorneys for Defendants

ORDER

Upon Stipulation of the parties, and good cause appearing therefore, it is hereby **ORDERED** the case is stayed pending resolution of Defendants' Early Exhaustion Motion for Summary Judgment. If the Defendants fail to file the Motion on or before December 18, 2023, the stay will be lifted.

Dated: November 14, 2023

UNITED STATES DISTRICT JUDGE