

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN TOJEK,

Plaintiff,

Y.

WHATCOM COUNTY, *et al.*,

Defendants.

CASE NO. 2:21-cv-00426-RSM-JRC

ORDER GRANTING EXTENSION
AND 90-DAY STAY

This matter is before the Court on referral from the District Court and on plaintiff's motion for an extension of time. Dkt. 21.

On April 9, 2021, the Court entered its pretrial scheduling order requiring the joint status report to be filed by May 21, 2021. Dkt. 11. On April 28, defendants filed a motion to dismiss for failure to state a claim. Dkt. 16. And on May 18, plaintiff filed the pending motion for an extension. Dkt. 21; *see also* Dkt. 23.

Plaintiff, who was *pro se*, requests a 90 day stay of this matter because he is a federal employee who has been ordered to report for duty on the Mexican border. Dkt. 21, at 2.

1 Defendants have filed no opposition to the motion, which became ripe for the Court's
2 consideration on May 28, 2021. *See* Local Civil Rule 7(b)(2) ("Except for motions for summary
3 judgment, if a party fails to file papers in opposition to a motion, such failure may be considered
4 by the court as an admission that the motion has merit."). Defendants also filed a unilateral
5 "joint" status report on May 21, 2021, stating that plaintiff had not signed the proposed joint
6 status report, submitted any changes, or responded to defendants' inquiry regarding the joint
7 status report. Dkt. 25, at 1 n.1.

8 The Court finds good cause and will grant plaintiff's request, as follows. The case is
9 stayed for 90 days from the date plaintiff filed his motion for an extension; that is, the case shall
10 be stayed until August 16, 2021. The Court resets the deadline for the joint status report—to be
11 joined in by all parties who have appeared—to August 19, 2021. Finally, the Court renotes the
12 motion to dismiss (Dkt. 16) for consideration on August 27, 2021, so that plaintiff's response is
13 due no later than August 23, 2021. The Clerk shall update the docket accordingly.

14 Dated this 4th day of June, 2021.

15 
16 J. Richard Creatura
17 Chief United States Magistrate Judge
18
19
20
21
22
23
24