

1
2
3
4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 EDWARD JOSEPH NELSON,

7 Plaintiff,

8 v.

9 DAN PACHOLKE, PAT GLEBE, RON
10 FRAKER, WILLIAM ROLLINS, S.
11 OBENLAND, KATHY RENINGER,
12 PRICE M. CHENAULT, J. DAVID
13 KENNEY, CRC COMMITTEE
14 STAFFORD CREEK MEDICAL,
CLIFFORD J. JOHNSON, SHARON
MORGAN, DAVE SIMS, M. HOLTHE,
CRC COMMITTEE CBCC, and
G. PRESSEL,

15 Defendants.

No. C12-5048 RBL/KLS

ORDER GRANTING MOTION TO STAY
DISCOVERY PENDING MOTION TO
DISMISS

16 Before the Court is Defendants' Motion to Stay Discovery Pending Motion to Dismiss.
17 ECF No. 41. Also pending before the Court is Defendant's Motion to Dismiss pursuant to Fed.
18 R. Civ. P. 12 (c). ECF No. 40. Under separate Report and Recommendation, the undersigned
19 has recommended that the motion to dismiss be denied and that Plaintiff be given an opportunity
20 to submit an amended complaint.
21

22 **DISCUSSION**

23 The court has broad discretionary powers to control discovery. *Little v. City of Seattle*,
24 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit
25 discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while
26

ORDER - 1

1 a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at
2 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

3 The Court has recommended that Plaintiff be granted leave to submit an amended
4 complaint. Until Plaintiff has submitted a viable Section 1983 complaint, the parties should not
5 be burdened with the expense of discovery.

6 Accordingly, it is **ORDERED**:

7
8 (1) Defendants' Motion to Stay Discovery (ECF No. 41) is **GRANTED**; all
9 discovery shall be **STAYED** pending further order of this Court.

10 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
11 Defendants.

12 **DATED** this 23rd day of July, 2012.

13
14 
15 Karen L. Strombom
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26