UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LONNIE LEE BURTON,

Plaintiff,

v.

PAT GLEBE, ERIC JACKSON, KEVIN SHANAHAN, DAVID POE, TERA MCELRAVY, and THOMAS L. L'HEUREUX,

Defendants.

CASE NO. C12-5104 RBL-KLS

ORDER STAYING DISCOVERY

Presently pending before the Court is Defendants' motion to dismiss filed on October 16, 2012. ECF No. 28. The motion is noted for consideration on November 16, 2012. *Id.* Defendants move for dismissal based, in part, on Plaintiff's failure to exhaust administrative remedies. *Id.* Also pending are Plaintiff's motions to depose other inmates (ECF No. 21) and motion to compel (ECF No. 22) filed on September 24, 2012. On October 24 and 29, 2012, Plaintiff filed a motion to extend the discovery deadline, and additional motions to depose other inmates and to compel discovery. ECF Nos. 30, 31, and 35. Defendants did not oppose an extension of the discovery deadline (ECF No. 37), and on November 6, 2012, the Court extended the discovery deadline until December 3, 2012. ECF No. 39. In their response to the motion to compel, Defendants ask that due to the sensitive nature of many of the materials Plaintiff is requesting, the Court should defer its ruling until after it considers their pending motion to dismiss. ECF No. 38, at 3.

DISCUSSION

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

In their motion to dismiss, Defendants argue that Plaintiff's claims should be dismissed because he failed to exhaust his administrative remedies. Thus, neither the parties nor this Court should be burdened with the expense of discovery and discovery motions until it is determined that Plaintiff's lawsuit shall go forward.

Accordingly, it is **ORDERED:**

(1) All discovery in this matter, including discovery motions (ECF Nos. 21, 22, 30 and 35) shall be **STAYED** pending further order of this Court. The Clerk is directed to remove ECF Nos. 21, 22, 30 and 35 from the Court's calendar.

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

DATED this 7th day of November, 2012.

Karen L. Strombom
United States Magistrate Judge