

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

9 DAVID TROUPE,

10 Plaintiff,

11 v.

12 EDWARD WOODS, et al.,

13 Defendants.

CASE NO. 3:16-CV-05077-RBL-DWC

ORDER GRANTING-IN-PART  
MOTION TO STAY

14 Plaintiff David Troupe, proceeding *pro se* and *in forma pauperis*, initiated this action  
15 pursuant to 42 U.S.C. § 1983. Presently pending before the Court are: (1) Defendants' Motion to  
16 Dismiss Action as Frivolous and Revoke Plaintiff's In Forma Pauperis Status ("Motion to  
17 Dismiss") Dkt. 26; and (2) Defendants' Motion to Stay Case Pending Decision on Defendants'  
18 Motion to Revoke Plaintiff's In Forma Pauperis Status and Dismiss this Action as Frivolous  
19 ("Motion to Stay"). Dkt. 31. This Order addresses only Defendants' Motion to Stay.

20 On April 22, 2016, Defendants filed the Motion to Dismiss, alleging, in part, Plaintiff has  
21 failed to exhaust his administrative remedies. Dkt. 26. After filing the Motion to Dismiss, on  
22 April 22, 2016, Defendants filed the Motion to Stay seeking a stay of the proceedings until the  
23 Court rules on the Motion to Dismiss. Dkt. 31. Specifically, Defendants ask the Court to stay the  
24

1 | proceedings as follows: (1) prevent any party from engaging in discovery and (2) prevent any  
2 | party from filing motions or other documents unrelated to the Motion to Dismiss. *Id.*

3 |       A. Discovery

4 |       Defendants request the Court issue an order preventing any party from engaging in  
5 | discovery until the Court rules on the Motion to Dismiss. Dkt. 31. The Court has broad  
6 | discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.  
7 | 1988). Upon showing of good cause, the Court may deny or limit discovery. Fed. R. Civ. P.  
8 | 26(c). A court may relieve a party of the burdens of discovery while a dispositive motion is  
9 | pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), *amended at* 906 F.2d 465 (9<sup>th</sup> Cir.  
10 | 1990); *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

11 |       The ruling on the Motion to Dismiss may resolve all of Plaintiff's claims. Thus, a stay of  
12 | discovery while the motion is pending will serve the ends of justice by the parties' and Court  
13 | avoiding the use of resources which may ultimately not be required. Further, a stay will not  
14 | prejudice Plaintiff as the Complaint must stand on its face and the ruling on the Motion to  
15 | Dismiss could impact the scope of discovery.

16 |       B. Filing Motions and Other Documents

17 |       Defendants also request the Court enter an order preventing any party from filing motions  
18 | or other documents unrelated to the Motion to Dismiss until the Court rules on the Motion to  
19 | Dismiss. Dkt. 31. Preventing the parties from filing motions and other documents unrelated to  
20 | Defendants' Motion to Dismiss is an overbroad restriction at this time. Plaintiff has not burdened  
21 | Defendants with an excessive number of motions in this case. Thus, Defendants have not shown  
22 | an order prohibiting the parties from filing motions or other documents will meet the ends of  
23 | justice.

