

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Marian Anthony v. Shawn Stephen

Anthony · No. 25-cv-01550-DMS-BLM · Decided November 28, 2025

SUMMARY

The United States District Court for the Southern District of California sua sponte stayed the action pending resolution of the plaintiff’s Ninth Circuit appeal. The court vacated the hearing on the defendant’s motion to dismiss the First Amended Complaint, barred further motions, and ordered the parties to file a joint status report within 48 hours after the appellate decision. The order was entered on November 28, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Dana M. Sabraw
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 28, 2025
DOCKET	25-cv-01550-DMS-BLM
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte stayed the action pending resolution of the plaintiff's appeal to the Ninth Circuit, vacated the hearing on the defendant's motion to dismiss the First Amended Complaint, prohibited further motions, and ordered a joint status report after the appeal was decided.
STANDARD OF REVIEW	A stay is reviewed under the court's inherent authority to control its docket and requires balancing the potential damage from a stay, the hardship or inequity of proceeding, and the orderly administration of justice.
PRECEDENTIAL VALUE	unpublished
PARTIES	Marian Anthony v. Shawn Stephen

TOPICS

- appellate jurisdiction
- appellate procedure
- civil procedure
- motions to dismiss
- motion for reconsideration

PRACTICE AREAS

civil procedure

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the district court should sua sponte stay the action pending resolution of Plaintiff's appeal to the Ninth Circuit.
2. Whether the hearing on Defendant's motion to dismiss the First Amended Complaint should be vacated while the stay is in effect.

HOLDINGS

1. A district court may sua sponte stay proceedings under its inherent authority to control the disposition of matters on its docket, and a temporary stay pending resolution of an appeal is appropriate when the balance of potential harm, hardship, and judicial efficiency favors a stay.
2. The action should be stayed until resolution of Plaintiff's Ninth Circuit appeal, with the stay automatically lifting upon resolution of the appeal.

KEY QUOTATIONS

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." (at 1)

"How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." (at 1)

"The stay shall automatically lift upon resolution of the appeal." (at 2)

FACTUAL BACKGROUND

The district court had dismissed Plaintiff's original Complaint, after which Plaintiff filed a First Amended Complaint and appealed the dismissal order to the Ninth Circuit. Several motions remained pending in the district court, including Plaintiff's Rule 60(b)(3) motion, a motion for reconsideration, and Defendant's motion to dismiss the First Amended Complaint. The court concluded that the appeal could affect the pending motions and that a temporary stay would impose no material hardship or damage.

PROCEDURAL HISTORY

The court had previously granted Defendant's motion to dismiss the original Complaint. Plaintiff filed a First Amended Complaint and then appealed the order granting dismissal to the Ninth Circuit. While the appeal was pending, the parties had several motions before the district court, including motions to vacate or reconsider prior orders and Defendant's motion to dismiss the First Amended Complaint. The court stayed the case until the Ninth Circuit resolved the appeal.

DISPOSITION

CASES CITED

- Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936)
- Lockyer v. Mirant Corp., 398 F.3d 1098, 1110 (9th Cir. 2005)
- Dependable Highway Express, Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1066 (9th Cir. 2007)
- Owino v. CoreCivic, Inc., No. 17-CV-1112 JLS (NLS), 2018 WL 11282678, at *1 (S.D. Cal. Feb. 16, 2018)
- Fussell v. Washington, No. 2:25-CV-01865-RAJ, 2025 WL 3241690, at *1 (W.D. Wash. Nov. 20, 2025)
- Hart v. Weyrich, No. 2:23-CV-884, 2023 WL 5015616, at *1 (W.D. Wash. Aug. 7, 2023)
- Elec. Solidus, Inc. v. Proton Mgmt. Ltd., No. 2:24-CV-08280 MWC-EX, 2025 WL 1712363, at *4 (C.D. Cal. May 27, 2025)
- Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 SOUTHERN DISTRICT OF
CALIFORNIA 9 10 Case No.: 25-cv-01550-DMS-BLM MARIAN ANTHONY, 11 Plaintiff,
ORDER STAYING CASE SUA 12 v. SPONTE; VACATING HEARING DATE 13 SHAWN
STEPHEN, 14 Defendant. 15 16 17 This matter comes before the Court sua sponte.

On October 21, 2025, the Court 18 granted Defendant's motion to dismiss Plaintiff's original
Complaint ("MTD Order"). 19 (ECF No. 25). On November 5, 2025, Plaintiff filed his First
Amended Complaint 20 ("FAC"). (ECF No. 18).

On November 17, 2025, Plaintiff appealed to the Ninth Circuit, 21 challenging this Court's MTD
Order. (ECF No. 25). 22 Currently pending before the Court are several motions: (1) Plaintiff's
motion to 23 vacate the MTD Order under Federal Rule of Civil Procedure 60(B)(3), (ECF No.
17); (2) 24 Plaintiff's motion for reconsideration of order denying motion to set trial date and for
pre- 25 trial scheduling conference, (ECF No. 21); and (3) Defendant's motion to dismiss 26
Plaintiff's FAC, (ECF No. 28).

Defendant's motion to dismiss Plaintiff's FAC is set for 27 hearing on Friday, January 16, 2026, at
1:30 p.m. (ECF No. 28). For the following reasons, 28 1 the Court, sua sponte, stays the case until
the resolution of the appeal filed in the Ninth 2 Circuit. 3 I. LEGAL STANDARD 4 "[T]he power
to stay proceedings is incidental to the power inherent in every court 5 to control the disposition of
the causes on its docket with economy of time and effort for 6 itself, for counsel, and for litigants."
Landis v. N. Am.

Co., 299 U.S. 248, 254 (1936). 7 "How this can best be done calls for the exercise of judgment,
which must weigh competing 8 interests and maintain an even balance." Id. at 254–55 (internal
citations omitted). These 9 interests include: (1) "the possible damage which may result from

granting a stay,” (2) “the 10 hardship or inequity which a party may suffer in being required to go forward,” and (3) 11 “the orderly course of justice measured in terms of the simplifying or complicating of 12 issues, proof, and questions of law which could be expected to result from a stay.” Lockyer 13 v. Mirant Corp., 398 F.3d 1098, 1110 (9th Cir.

2005) (internal citations omitted). 14 “Generally, stays should not be indefinite in nature.” Dependable Highway Express, Inc. 15 v. Navigators Ins. Co., 498 F.3d 1059, 1066 (9th Cir. 2007). “Courts have the power to 16 stay proceedings sua sponte.” Owino v. CoreCivic, Inc., No. 17-CV-1112 JLS (NLS), 2018 17 WL 11282678, at *1 (S.D. Cal. Feb. 16, 2018) (internal citations omitted).

18 II. DISCUSSION 19 The Court, sua sponte, stays this case “pending resolution of the Ninth Circuit appeal 20... to facilitate the efficient and orderly resolution of the case.” Fussell v. Washington, 21 No. 2:25-CV-01865-RAJ, 2025 WL 3241690, at *1 (W.D. Wash. Nov. 20, 2025).

First, 22 the Court finds no risk of damage or hardship from staying the case. The stay is temporary. 23 Such a temporary stay “will not cause any needless delay of the resolution of the case” at 24 this early stage. See Hart v. Weyrich, No. 2:23-CV-884, 2023 WL 5015616, at *1 (W.D. 25 Wash. Aug. 7, 2023). Further, the Court finds that “judicial efficiency weighs in favor of 26 a stay.” Elec.

Solidus, Inc. v. Proton Mgmt. Ltd., No. 2:24-CV-08280 MWC-EX, 2025 27 WL 1712363, at *4 (C.D. Cal. May 27, 2025). The Court is divested of jurisdiction from 28 some of Plaintiff’s claims, like his intentional infliction of emotional distress claim. See 1 || Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (finding that “[t]he 2 || filing of a notice of appeal... confers jurisdiction on the court of appeals and divests the 3 || district court of its control over those aspects of the case involved in the appeal”).

4 || Additionally, a decision by the Ninth Circuit may impact how the Court would otherwise 5 ||rule on the pending motions (particularly Plaintiff’s motion to vacate the MTD Order and 6 ||Defendant’s motion to dismiss the FAC). Considering the above, the Court stays the case 7 || pending the outcome of Plaintiff’s appeal to the Ninth Circuit.

The stay shall automatically 8 || lift upon resolution of the appeal. 9 III. CONCLUSION 10 Considering the foregoing, the Court STAYS the action, sua sponte, until the 11 ||resolution of the appeal filed in the Ninth Circuit.

The hearing for Defendant’s motion to 12 ||dismiss the FAC is VACATED. The parties are ORDERED to not file any further 13 ||motions. The parties are further ORDERD to file with this Court a joint status report 14 || within 48 hours of the Ninth Circuit’s decision on the appeal. 15 IT IS SO ORDERED. 16 || Dated: November 28, 2025 7 Yn. L4\ Hon. Dana M. Sabraw 18 United States District Judge 19 20 21 22 23 24 25 26 27 28

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