

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PRECEDENTIAL VALUE	unpublished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

other

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)

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