

**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

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