

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Johnson v. Kijakazi

Johnson · No. 23-CV-481 JLS (AHG) · Decided March 3, 2025

SUMMARY

The United States District Court for the Southern District of California denied Plaintiff James Johnson’s ex parte motion to stay the case for 60 days. The court granted him 60 days from the date of the order to file objections to the magistrate judge’s Report and Recommendation, based on his asserted health problems.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JAMES JOHNSON, Case No.: 23-CV-481 JLS (AHG) 12 Plaintiff,
ORDER: 13 v. (1) DENYING PLAINTIFF’S EX 14 MARTIN O’MALLEY, Commissioner,
PARTE MOTION TO STAY CASE Social Security Administration; ERIC V. 15 60-DAYS; AND
BENHAM, Administrate Law Judge; 16 LAURA MIDDLETON, Administrative (2) GRANTING
PLAINTIFF AN Appeals Judge; MS. KAWANO (full 17 EXTENSION OF TIME TO FILE name
and title to be ascertained); and OBJECTIONS TO REPORT AND 18 DOES 4 to 100,
RECOMMENDATION 19 Defendants.

(ECF No. 104) 20 21 Presently before the Court is Plaintiff James Johnson’s (“Plaintiff”) Ex Parte
Motion 22 to Delay Proceedings 60-Days (“Mot.,” ECF No. 104). Plaintiff indicates he is
suffering 23 from several medical issues that make it so he cannot reasonably defend himself in
this 24 case. Mot. at 5. Per Plaintiff, the deadline for objections to the Report and 25
Recommendation issued by Magistrate Judge Allison H. Goddard, of March 3, 2025, 26 presents
“a genuine hardship” for him.

Id. at 6. 27 Further, he alleges “this case is probably going to be investigated root, branch, and 28
leaf in the administrative and judicial realm thanks, in part, to [Plaintiff’s] efforts in alerting 1
Ms[.] Wiles, Mr[.] Trump, Mr[.] Musk, Mr[.] Miller, and Ms[.] Bondi to the need to 2 investigate
Social Security.[.]” Id. at 7.

Therefore, Plaintiff requests the Court order a 3 “temporary cessation of all activities... to allow
for Plaintiff’s recovery and to allow the 4 new Commissioner an opportunity to review the case,
potentially agree to an award of 5 Title II benefits, and/or agree to pay for Plaintiff’s legal counsel
under the agency’s 6 Wardship duties to its Financial Wards so the agency is legally insulated.” Id.
at 7–8.

7 The relevant considerations in assessing a motion to stay are: “(1) whether the stay 8 applicant has made a strong showing that he is likely to succeed on the merits; (2) whether 9 the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will 10 substantially injure the other parties interested in the proceeding; and (4) where the public 11 interest lies.” Nken v. Holder, 556 U.S. 418, 434 (2009). “The party requesting a stay 12 bears the burden of showing that the circumstances justify an exercise of that discretion.” 13 Hoffmann v. Price, No. 2:15-CV-1527 DB P, 2019 WL 498991, at *3 (E.D.

Cal. Feb. 8, 14 2019) (Nken, 556 U.S. at 433–34). Plaintiff does not address these factors and the Court 15 finds he has not carried his burden. However, the Court is mindful of Plaintiff’s allegations 16 of poor health and purported difficulty meeting the deadline for objections to Magistrate 17 Judge Goddard’s Report and Recommendation (ECF No. 103).

Thus, to the extent Plaintiff 18 seeks to extend such deadline, he has shown good cause for such extension. 19 Accordingly, the Court DENIES Plaintiff’s Motion to Stay Proceedings 60-Days 20 (ECF No. 104), but GRANTS Plaintiff an extension of time to file objections to Magistrate 21 Judge Goddard’s Report and Recommendation (ECF No. 103). 22 Thus, Plaintiff MAY file written objections with the Court and serve a copy on all 23 parties no later than 60 days from the date of this Order.

24 The document should be captioned “Objections to Report and Recommendation.” 25 Plaintiff is reminded that failure to file objections within the specified time may waive the 26 / / / 27 / / / 28 / / / 1 || right to raise those objections on appeal of the Court’s order. Turner v. Duncan, 158 F.3d 2 ||449, 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153, 1157 (9th Cir.

1991). 3 IT IS SO ORDERED. 4 ||Dated: March 3, 2025, tt 5 ja Janis L. Sammartino ‘ United States District Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28