

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

**Welch v. County of Tulare, California**

No. 1:22-cv-00755-ADA-HBK (E.D. Cal. Mar. 13, 2023) · No. 1:22-cv-00755-ADA-HBK · Decided March 13,  
2023

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**SUMMARY**

The United States District Court for the Eastern District of California granted the parties’ joint motion to stay this civil rights action pending resolution of the plaintiff’s related criminal case in Tulare County Juvenile Court. The court also vacated existing scheduling dates and deadlines and ordered the plaintiff to file status reports every ninety days and notify the court after the criminal matter concludes.

**OPINION**

Welch v. County of Tulare, California

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 SHANNON WELCH, Case No. 1:22-cv-00755-ADA-HBK 12 Plaintiff, ORDER  
GRANTING JOINT MOTION TO  
STAY

13 v. (Doc. No. 18)

14 COUNTY OF TULARE, DAVID

RANDOLPH, HECTOR RODRIGUEZ,

15 and NICHOLAS SANDOVAL, ORDER FOR PLAINTIFF TO FILE STATUS

UPDATES EVERY NINETY DAYS

16 Defendants. 17

18 Pending before the Court is Defendants County of Tulare, David Randolph, Hector 19  
Rodriguez, and Nicholas Sandoval (“Defendants”) and Plaintiff Shannon Welch (“Plaintiff”) 20  
(collectively the “Parties”) Joint Motion to Stay filed on March 9, 2023. (Doc. No. 18, 21  
“Motion”). The Parties jointly request the Court stay this action pending disposition of Plaintiff’s  
22 underlying criminal case. (Id.). The Court, finding good cause, will grant the Motion but  
require 23 Plaintiff to file status reports every ninety (90) days. 24 The court is vested with broad  
discretion to stay a case. *Clinton v. Jones*, 520 U.S. 681, 25 705 (1997) (citing *Landis v. North*  
*American Co.*, 299 U.S. 248, 254 (1936)). Such discretion 26 may be exercised even if the

underlying issues before the court are not controlling. *Leyva v. 27 Certified Grocers of Cal., Ltd.*, 593 F. 2d 857, 863-64 (9th Cir. 1979). It is “common practice” 28 when pending civil and criminal actions stem from the same incident “to stay the civil action until 1 the criminal case or the likelihood of a criminal case is ended.” *Wallace v. Kato*, 549 U.S. 384, 2 394, (2007). Whether a stay is prudent requires the court to balance whether “the [criminal] 3 defendant’s fifth amendment rights are implicated” and whether the interest of the civil plaintiff, 4 the public, and the court favor a stay. *Fed. Sav. & Loan Ins. Corp. v. Molinaro*, 889 F.2d 899, 5 902–03 (9th Cir. 1989). In analyzing the propriety of a stay, the court examines the “particular 6 circumstances and competing interests involved in the case.” *Keating v. Office of Thrift 7 Supervision*, 45 F.3d 322, 324 (9th Cir. 1995) (internal quotations omitted). 8 Here, Plaintiff proceeds on a complaint alleging various federal civil rights and state tort 9 law claims stemming from an incident that occurred on May 21,2021, including an excessive use 10 of force claim against Defendant Sandoval. (See generally Doc. No. 1). The State is criminally 11 prosecuting Plaintiff in connection with the incident that occurred on May 21, 2021, charging him 12 with Resisting, Obstructing, or Delaying of a Peace Officer in violation of California Penal Code 13 section 148(a)(1) in Tulare County Juvenile Court Case No. JJD073224. The named crime victim 14 is Deputy Sandoval, who is a named Defendant in this case. The facts underlying both the civil 15 and criminal matters appear to stem from the same incident. 16 Plaintiff would likely invoke his Fifth Amendment right against self-incrimination so that 17 Defendants would be precluded from conducting meaningful discovery from Plaintiff while the 18 criminal matter still is pending. Thus, staying the case makes “efficient the use of judicial 19 resources by ensuring that common issues of fact will be resolved, and subsequent civil discovery 20 will proceed unobstructed by concerns regarding self-incrimination.” *Taylor, Bean & Whitaker 21 Mortg. Corp. v. Triduanum Fin., Inc.*, 2009 WL 2136986, at \*4 (E.D. Cal. July 15, 2009) 22 (internal quotations omitted). Further, as a “general matter the public’s interest in the integrity of 23 the criminal case is entitled to precedence over the civil litigant.” *Acacia Corp. Mgmt., LLC v. 24 United States*, No. 2008 WL 2018438, at \*5 (E.D. Cal. May 7, 2008) (internal quotations 25 omitted). Significantly, a conviction in the parallel criminal case may be dispositive of this case. 26 *Heck v. Humphrey*, 512 U.S. 477 (1994) (prohibiting a § 1983 civil action for damages if it would 27 invalidate a conviction or sentence). Further, a stay of these proceedings could prevent the 28 unnecessary expenditure of resources and does not prevent plaintiff from proceeding on his claim

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1 | when the criminal proceedings are resolved. See *Wallace*, 549 U.S. at 393-94 (recommending 2 | court stay civil action until potentially conflicting criminal proceedings are complete). The Court 3 | finds the Keating factors satisfied.'!\_ Moreover, the Younger abstention doctrine cautions federal 4 | courts from interfering with ongoing state criminal proceedings, absent extraordinary 5 | circumstances. *Younger v. Harris*, 401 U.S. 37, 43-54 (1971); see also *Mann v. Jett*, 781 F.2d 6 | 1448, 1449 (9th Cir. 1986). Thus, the Court finds a stay of this case is proper until the underlying

7 | criminal matter is finally concluded. 8 Accordingly, it is ORDERED: 9 1. The Parties' Joint Motion to Stay (Doc. No. 18) is GRANTED. 10 2. The Court STAYS this case until the underlying criminal matter (Tulare County 11 Juvenile Court Case No. JJD073224) is finally concluded. 12 3. The Court VACATES the Initial Scheduling Conference set for March 16, 2023, 13 || and any other hearing dates and/or deadlines. 14 4. Plaintiff shall file a status report every ninety (90) days to inform the Court of the 15 | status of the underlying criminal matter and shall file a notice no later than thirty (30) days after 16 conclusion of Plaintiff's underlying criminal matter and move to lift the stay. 17 Dated: \_ March 13, 2023 Mihaw. Wh. foareh Zaskth

19 HELENA M. BARCH-KUCHTA

UNITED STATES MAGISTRATE JUDGE

21 22 23 24 25 26 'Tn addition to whether the criminal defendant's Fifth Amendment right is implicated, the court is to consider the 27 | plaintiffs interests in proceeding with the litigation and potential prejudice to the plaintiff due to the delay; the convenience of the court and efficient use of judicial resources; any third-party interests; and interest of the public. 28 | Keating, 45 F.3d at 324-25.