

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rood v. Secretary of CDCR

Rood · No. 1:22-cv-00449-SAB (PC) · Decided April 10, 2025

OPINION

(PC) Rood v. Secretary

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 COLTON JAMES ROOD, No. 1:22-cv-00449-SAB (PC)

12 Plaintiff, ORDER DENYING PLAINTIFF’S MOTION

TO STAY PROCEEDINGS, AND

13 v. GRANTING PLAINTIFF THIRTY DAYS TO

FILE A RESPONSE TO DEFENDANT’S

14 SECRETARY OF CDCR, et al., MOTION FOR SUMMARY JUDGMENT

AND MOTION TO COMPEL

15 Defendants. (ECF No. 81) 16 17 Plaintiff is proceeding pro se and in forma pauperis in this
civil rights action filed pursuant 18 to 42 U.S.C. § 1983. The parties have consented to Magistrate
Judge jurisdiction. (ECF No. 62.) 19 This action proceeds against Defendant E. Carrillo for
deliberate indifference and retaliation. 20 Currently before the Court is Plaintiff’s motion to stay
the proceedings, filed on April 7, 21 2025. (ECF No. 81.) 22 On March 7, 2025, Defendant filed a
motion for summary judgment for failure to exhaust 23 the administrative remedies. (ECF No.
77.) Then, on March 10, 2025, Defendant filed a motion 24 to compel responses to discovery
requests served on Plaintiff. (ECF No. 78.) 25 On March 12, 2025, Defendant filed a motion to
stay merits-based discovery, which was 26 granted on March 13, 2025. (ECF Nos. 79, 80.) 27
Plaintiff now seeks to stay the proceedings because his receipt of mail has been 28 1 interrupted
upon his release from custody, discovery requests were returned “unsent”; and he had 2 recent
surgery on thumb. (ECF No. 81 at 1.) 3 The district court “has broad discretion to stay
proceedings as an incident to its power to 4 control its own docket.” *Clinton v. Jones*, 520 U.S.
681, 706 (1997) (citing *Landis v. N. Amer. 5 Co.*, 299 U.S. 248, 254 (1936)). The party seeking
the stay bears the burden of establishing the 6 need to stay the action. *Clinton*, 520 U.S. at 708. 7
Plaintiff has not met his burden of establishing the need to stay this action. The fact that 8
Plaintiff’s mail has been interrupted because he has been in and out of custody of the Shasta 9

County Jail is of his own doing. Further, there is no showing that the discovery responses are 10 necessary to address Defendant's pending motion for summary judgment for failure to exhaust 11 the administrative remedies. Lastly, while the Court is sympathetic to Plaintiff's recent surgery, 12 Plaintiff has failed to demonstrate the need to stay the entire proceedings pending his full 13 recovery. However, based on Plaintiff's contention, the Court finds good cause to grant Plaintiff 14 an additional thirty days to file a response to Defendants' pending motions. In the interest of 15 justice and in an effort to move this case forward in an efficient manner, the Court will also make 16 a one-time exception and direct the Clerk of Court to send Plaintiff a copy of Defendants' 17 motions and the Court's most recent order to assist in Plaintiff in filing a timely response. (ECF 18 Nos. 77, 78, 79, 80.)

19 Accordingly, it is HEREBY ORDERED that: 20 1. Plaintiff's motion to stay the proceedings (ECF No. 81) is DENIED; 21 2. The Clerk of Court shall send a copy of Defendant's motion for summary 22 judgment (ECF No. 77), Defendant's motion to compel (ECF No. 78), Defendant's 23 motion to stay (ECF No. 79), and the Court's March 13, 2025 order (ECF No 80) 24 to Plaintiff at his address of record; and 25 /// 26 /// 27 /// 28 /// 1 3. Within thirty (30) days from the date of service of this order, Plaintiff may file a 2 response to Defendant's pending motions. 3

4 IT IS SO ORDERED. □□ (Se

5 | Dated: _ April 9, 2025 OF

STANLEY A. BOONE

6 United States Magistrate Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28