

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hector Arnulfo German Reyes v. Warden, FCI Mendota

Reyes · No. 1:24-cv-01543-CDB (HC) · Decided November 6, 2025

OPINION

(HC)Reyes

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 HECTOR ARNULFO GERMAN REYES, No. 1:24-cv-01543-CDB (HC)

12 Petitioner, ORDER DENYING RESPONDENT’S

MOTION TO STAY

13 v. (Doc. 8)

14 WARDEN, FCI MENDOTA,

30-Day Deadline 15 Respondent. 16 17 Petitioner Hector Arnulfo German Reyes (“Petitioner”) is a federal prisoner proceeding pro 18 se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. 19 Petitioner filed the instant habeas petition on December 17, 2024, while in custody of the Bureau 20 of Prisons (“BOP”) at the Federal Correctional Institution, Mendota (“FCI Mendota”). (Doc. 1). 21 Petitioner alleges the BOP denied him due process with respect to a disciplinary hearing. (See 22 generally Doc. 1). 23 After review of the petition and finding it does not plainly appear that Petitioner is not 24 entitled to relief, on September 4, 2025, the Court ordered Respondent to respond to the petition by 25 November 3, 2025. (Doc. 6).

26 On the deadline to file a response, Respondent instead filed a motion to stay. (Doc. 8). 27 Respondent argues a stay is warranted because appropriations to the Department of Justice 28 (“DOJ”), by whom counsel for Respondent and relevant employees of the BOP are employed, 1 lapsed upon expiration of the relevant appropriations act on September 30, 2025. Id. at 1. As such, 2 Respondent explains that neither DOJ nor BOP counsel or staff are permitted to work until 3 Congress has restored appropriations. Id. at 1-2. Respondent further asserts that, because BOP 4 staff are unavailable to assist, counsel for Respondent “cannot effectively respond to Petitioner’s 5 arguments.” Id. at 2. Lastly, Respondent represents that Petitioner’s response to the Court’s 6 outstanding order to show cause (Doc. 7) is due November 10, 2025,¹ and the BOP’s inmate locator 7 does not appear to evidence Petitioner presently in BOP custody. Id. 8 I. Standard of Law

9 “[T]he power to stay proceedings is incidental to the power inherent in every court to control 10 the disposition of the causes on its docket with economy of time and effort for itself, for counsel, 11 and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005). “[I]f there is even a fair possibility that the . . . stay will 13 work damage to someone else, the party seeking the stay must make out a clear case of hardship or 14 inequity.” *Lockyer*, 398 F.3d at 1112; *United States v. Aerojet Rocketdyne Holdings, Inc.*, 381 F.

15 Supp. 3d 1240, 1250 (E.D. Cal. May 8, 2019).

16 In considering whether to grant a stay, this Court must weigh several factors, including “[1] 17 the possible damage which may result from the granting of a stay, [2] the hardship or inequity 18 which a party may suffer in being required to go forward, and [3] the orderly course of justice 19 measured in terms of the simplifying or complicating of issues, proof, and questions of law which 20 could be expected to result from a stay.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) 21 (citing *Landis*, 299 U.S. at 254–55). In granting a stay, a court must weigh “the length of the stay 22 against the strength of the justification given for it.” *Yong v. I.N.S.*, 208 F.3d 1116, 1119 (9th Cir. 23 2000). “If a stay is especially long or its term is indefinite, [courts] require a greater showing to 24 justify it.” *Id.* 25 /// 26 /// 27 1 The Court notes that this date is incorrect. The deadline is, in fact, November 13, 2025. 28 See Fed. R. Civ. P. 6(d). 1 II. Discussion 2 In the pending motion, Respondent fails to weigh or even acknowledge the CMAX factors. 3 While the Court acknowledges its discretion to temporarily stay proceedings under the 4 circumstances described by Respondent in the motion, the Court does not find that the balance of 5 CMAX factors favors staying proceedings. The Court, instead, will continue the deadline for 6 Respondent’s filing of a response by 30 days. 7 As the undersigned previously has admonished counsel for Respondent, Assistant U.S. 8 Attorney Michelle Rodriguez, on at least six prior occasions (see *Blanc v. Taylor*, No. 1:24-cv- 9 01212-KES-CDB, 2025 WL 437661, at *1 (E.D. Cal. Feb. 7, 2025) (citing cases); *Puente v. 10 Warden*, No. 1:23-cv-00083-CDB (E.D. Cal. Sept. 11, 2025), the Court disfavors motions seeking 11 extensions of time filed on the deadline sought to be extended. See Local Rule 144(d) (“Counsel 12 shall seek to obtain a necessary extension from the Court or from other counsel or parties in an 13 action as soon as the need for an extension becomes apparent. Requests for Court-approved 14 extensions brought on the required filing date for the pleading or other document are looked upon 15 with disfavor.”). 16 Any continued failure by counsel for Respondent to comply with the Court’s orders or Local 17 Rules may result in the imposition of sanctions. 18 Conclusion and Order 19 Accordingly, it is hereby ORDERED: 20 1. Respondent’s motion to stay (Doc. 8) is DENIED. 21 2 The deadline by which Respondent shall file a response to the petition, including 22 any and all transcripts or other documents relevant to the resolution of the issues 23 presented in the petition, is continued by 30 days, through and including

24 December 3, 2025.

25 /// 26 /// 27 /// 28 1 3. Petitioner's traverse to any Answer or Opposition to any motion to
dismiss filed 2 by Respondent is due on or before 30 days from the date of Respondent's filing. 3 |
ITIS SOORDERED. 4 Dated: _ November 5, 2025 | Ww Vv Ry
5 UNITED STATES MAGISTRATE JUDGE
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