

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS MANUEL GARCES,

Plaintiff,

v.

J. PICKETT, et al.,

Defendants.

No. 2:17-cv-00319 JAM AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed a motion to stay. ECF No. 10. He asks that the court stay the proceedings until he can make a formal request to the mailroom and Officer Stanton to produce the documents he alleges were never sent to this court. Id. at 2. Plaintiff claims that he gave Officer Stanton an envelope containing his complaint, and that Stanton offered to seal the envelope for plaintiff, but never returned to plaintiff's cell to confirm that the complaint had been sent to this court. Id. In his motion for stay, plaintiff alleges that he filed his original complaint sometime in February 2017, and again on March 12, 2017. Id. at 1-2. It appears he believes that the court has not received these filings because the order denying his request for counsel stated that his complaint had not yet been screened. Id. at 4.

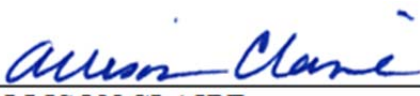
When the court stated that it had not screened the complaint, it meant that it had not looked at the complaint yet. The court has received both the initial complaint plaintiff filed in

1 February (ECF No. 1), as well as a number of exhibits in support of that complaint (ECF. No 8).
2 The certificate of service on the exhibits identifies them as a “Civil Complaint § 1983” and shows
3 that they were turned over for mailing on March 12, 2017 (id. at 100). The documents plaintiff
4 believes were not delivered to the court were, in fact, filed and received by the court and the
5 complaint will be addressed in due course.

6 Moreover, plaintiff has since filed a request to proceed with the complaint. ECF No. 13.
7 As such, the motion for stay is moot.

8 Accordingly, IT IS HEREBY ORDERED that the motion to stay is DENIED.

9 DATED: April 13, 2017

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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