



Sylvester James Mahone v. Pierce County Sheriff's

2011 | Cited 0 times | W.D. Washington | March 16, 2011

ORDER GRANTING DEFENDANTS' MOTION TO STAY DISCOVERY

Before the Court is Defendant's motion to stay discovery pending resolution of Defendants' Motion to Dismiss. ECF No. 15. For the reasons stated below, the Court finds that the motion to stay should be granted.

BACKGROUND

On November 11, 2010, Plaintiff filed a civil rights complaint alleging, inter alia, violation of his First Amendment right to practice his religion. ECF No. 4.

On February 17, 2011, Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). ECF No. 15. Defendants argue that Plaintiff's complaint should be dismissed because he has failed to state a claim upon which relief can be granted, has failed to allege the personal participation of several of the defendants, and Defendants are entitled to qualified immunity for their conduct. *Id.* Defendants request that all discovery be stayed pending the court's resolution of the motion to dismiss.

DISCUSSION

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

It is necessary for this court to resolve Defendants' Motion to Dismiss to determine what claims and Defendants survive the pleading stage. Defendants should not face the burden and expense of responding to discovery as to claims and Defendants that may not survive the pleading stage. Accordingly, it is ORDERED:

(1) Defendant's motion to stay discovery pending resolution of the motion to dismiss (ECF No. 19) is GRANTED.

(2) All discovery is STAYED pending further order of this Court.



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(3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

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