IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHAEL L. BUESGENS,   )
)
                    Plaintiff,   )
)
v.   )   Case No. 07-2116-CM
)
DOUGLAS G. HOUSER, et al.,   )
)
                    Defendants.   )

<u>ORDER</u>

This case comes before the court on *pro se* plaintiff Michael L. Buesgens' motion to lift the stay as to certain defendants (**doc. 90**). The court finds that it is not necessary to await a response, but rather is prepared to rule.

On October 31, 2007, the undersigned U.S. Magistrate Judge, James P. O'Hara, entered an order (doc. 55) requiring plaintiff to show cause to the presiding U.S. District Judge, Hon. Carlos Murguia, by November 21, 2007, why this case should not be dismissed as frivolous. The undersigned also stayed all further pretrial proceedings, including but not limited to the deadline for all defendants to answer or otherwise respond to plaintiff's amended complaint until Judge Murguia reviewed plaintiff's response and ruled. Plaintiff filed a response to the show cause order (doc. 83) on November 23, 2007, however, Judge Murguia has not yet issued an order regarding plaintiff's response. Plaintiff has filed the instant motion requesting that the stay be lifted as to defendants Megan M Goeres, Andiruh Sarwal, Shelley Bush Marmon, Charles Eads Brown, and Ryan Eugene Gores, and that these

defendants be required to file an answer to plaintiff's amended complaint (doc. 33).

In the notice and order to show cause (doc. 55), the undersigned specifically noted the reasons for the stay of all pretrial proceeding, including the deadline for filing all answers to plaintiff's amended complaint which will not be repeated in this order. Rather, the court finds that plaintiff has failed to provide any reasons which would warrant lifting the stay at this time.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1.   The above-referenced motion **(doc. 90)** is denied.

2.   Copies of this order shall be served on *pro se* plaintiff by regular mail.

Dated this 28th day of February, 2008 at Kansas City, Kansas.

  s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge