

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 13 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANDREW NAMIKI ROBERTS,

Plaintiff-Appellant,

v.

AL CUMMINGS, in his Official Capacity as
the State Sheriff Division Administrator;
CLARE E. CONNORS, in her Official
Capacity as the Attorney General of the
State of Hawaii,

Defendants-Appellees,

and

SUSAN BALLARD, in her Official
Capacity as the Chief of Police of Honolulu
County,

Defendant.

No. 21-15562

D.C. No. 1:18-cv-00125-HG-RT
District of Hawaii, Honolulu

ORDER

Before: PAEZ and HUNSAKER, Circuit Judges.

This appeal challenges the district court’s March 25, 2021 order denying appellant’s motion to lift the ongoing stay of proceedings in that court.

We have jurisdiction under 28 U.S.C. § 1291 to review stay orders that impose lengthy or indefinite delays and “place a plaintiff effectively out of court.” *Blue Cross & Blue Shield of Ala. v. Unity Outpatient Surgery Ctr., Inc.*, 490 F.3d 718, 724 (9th Cir. 2007).

In deciding whether to stay an action pending resolution of independent proceedings which may bear upon the case, the district court is required to balance multiple considerations, including “the interests of the parties, the public, and the court.” *See Blue Cross*, 490 F.3d at 724; *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110-11 (9th Cir. 2005). The challenged stay order, however, does not set forth the district court’s analysis or explain its weighing of the relevant factors. “We cannot review the district court’s exercise of its discretion in weighing these factors unless we know that it has done so and why it reached its result.” *Blue Cross*, 490 F.3d at 724. Accordingly, we remand for the limited purpose of allowing the district court “to reconsider its decision and to set forth its reasons for whatever decision it reaches, so that we can properly exercise our powers of review.” *See id.* at 725.

Within 30 days after the date of this order, the district court should issue its ruling on remand. Within 7 days after the district court’s ruling, appellant shall file a status report and/or a motion for appropriate relief.

The motion for summary reversal will be addressed following termination of the limited remand.

The Clerk will send a copy of this order to the district court.