

ENTERED

December 01, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

GILBERT GOMEZ VICENTE, ET AL., §

Plaintiffs, §

V. §

**UNITED STATES OF AMERICA, ET §
AL., §**

Defendants. §

CIVIL ACTION NO. 5:20-CV-81

ORDER

Before the Court is Defendant United States’ Motion to Stay. (Dkt. No. 39). In support of its motion, Defendant explains that the FBI has opened a criminal investigation of the Border Patrol encounter that resulted in Claudia Patricia Gomez Gonzalez’s death. (*Id.* at 1). Defendant states that the pending FBI investigation severely restricts the United States’ ability to defend against this lawsuit. (*Id.* at 2). Defendant adds that litigation may prematurely disclose the FBI’s investigative files and undercut government prosecutions arising from the investigation. (*Id.*). Specifically, premature disclosure would deter witnesses from coming forward and disclose the identity of cooperating witnesses, among other factors. (*Id.*). As a result, the United States moves to stay the entire case for the next six months and represents that the motion is unopposed. (*Id.* at 3).

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). A stay is warranted when it serves the interests of judicial economy and efficiency. *La. Stadium & Exposition Dist. v. Fin. Guar. Ins. Co.*, 2009 WL 926982, at *1 (E.D. La. Apr. 2, 2009).

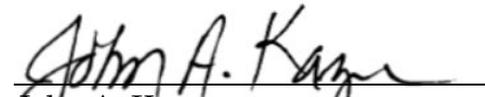
The Court agrees that the pending FBI investigation will hamper the parties’ ability to conduct meaningful discovery. Accordingly, the Court **GRANTS** Defendant United States’ Motion to Stay (Dkt. No. 39) and **STAYS** all activity by the parties in this

case. All current settings are **CANCELED** subject to resetting by future court order. The Court may enter any further orders it deems appropriate, including the entry of an order on the pending Defendant Romualdo Barrera's Motion to Dismiss Plaintiffs' *Bivens* Claims (Dkt. No. 30).

Defendant United States is **ORDERED** to file an advisory with the Court by **May 3, 2021** informing the Court of the status of the FBI investigation and the parties' positions on whether the stay should be lifted or extended.

It is so **ORDERED**.

SIGNED on December 1, 2020.



John A. Kazen
United States Magistrate Judge