

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**RICHARD F. JACKSON, by and through
his Attorney-in-Fact, ALVA J. JACKSON**

PLAINTIFF

v.

3:10-CV-00276-BRW

**JOHN M. SELIG, in his Official Capacity
as the Director of the Arkansas Department
of Human Services**

DEFENDANT

ORDER

On March 18, 2011, I granted Defendant's unopposed motion to stay deadlines.¹

Defendant asked that the deadlines in the initial scheduling order be stayed because Defendant filed an interlocutory appeal of the preliminary injunction issued in favor of Plaintiff.² Under the preliminary injunction, Defendant was enjoined from considering the income stream payable to Ms. Alva Jackson, from two federal compliant annuities, in determining Plaintiff's Medicaid eligibility, and (2) from denying Medicaid coverage to Plaintiff.³ All deadlines in the initial scheduling order were "stayed pending a decision by the Eighth Circuit on Defendant's appeal."⁴

On July 24, 2012, the Eighth Circuit dismissed Defendant's appeal as moot -- due to the death of Mr. Jackson, the injunction, which was the subject of the appeal, served no further purpose.⁵ The Eighth Circuit remanded the case for trial on the merits, noting that "[t]o the extent there are any claims relating to payments of monies that may be due to the Jackson Estate,

¹Doc. No. 26.

²Doc. Nos. 18, 20.

³Doc. No. 20.

⁴Doc. No. 26.

⁵Doc. No. 28.

or recoupment of monies from the Jackson Estate, those claims can be litigated in the underlying district court lawsuit.”⁶

Plaintiff’s August 23, 2012 Motion notes that the Eighth Circuit dismissed Defendant’s appeal, and asks the Court to lift the stay and enter a scheduling order. The Motion is GRANTED. The stay in this case is lifted, and a scheduling order will issue shortly.

IT IS SO ORDERED this 24th day of August, 2012.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

⁶Doc. No. 28.