

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

JOHN STEPHEN PUGH

PLAINTIFF

V.

3:16CV00246 JM

JOHN CARUTHERS, et al.,

DEFENDANTS

ORDER STAYING PROCEEDINGS

Pending is the Motion to Stay Proceedings Pending Criminal Disposition filed by the Defendants. Plaintiff has failed to respond.

In this case, Plaintiff alleges that the Defendants violated his rights under the First, Fourth, Fifth, Eighth and Fourteenth Amendments when he was arrested on July 26, 2016 for Driving Under the Influence. Plaintiff claims that the Defendants unlawfully arrested him, unlawfully searched his vehicle, violated his right to due process, violated his right to be free from cruel and unusual punishment and excessive force, and false arrest. Defendants ask the Court to stay this civil case until the criminal proceeding relating to the events that give rise to the Complaint is complete.

“If a plaintiff files a false-arrest claim before he has been convicted (or files any other claim related to rulings that will likely be made in a pending or anticipated criminal trial), it is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case or the likelihood of a criminal case is ended.” *Wallace v. Kato*, 549 U.S. 384, 393-94, 127 S. Ct. 1091, 1098, 166 L. Ed. 2d 973 (2007). Pursuant to *Wallace*, the Court finds that the case should be stayed until Plaintiff’s criminal case has ended. The parties are directed to file a notice with the Court within seven (7) days of the conclusion of the criminal proceedings against Plaintiff in Mississippi County District Court.

Defendants' Motion to Stay Proceedings Pending Criminal Disposition (ECF No. 4) is
GRANTED.

IT IS SO ORDERED this 13th day of October, 2016.



James M. Mopdy Jr.
United States District Judge