

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DAVID ALLEN NEW

PLAINTIFF

v.

Case No. 5:12-CV-05197

DALE DENVER

DEFENDANT

ORDER

Currently before the Court is Defendant Dale Denver's motion (Doc. 23) to stay pending interlocutory appeal. Defendant has filed a notice (Doc. 24) of interlocutory appeal of the Court's October 16, 2013, order (Doc. 22) denying his motion for summary judgment that was based, in part, on the doctrine of qualified immunity. This case is currently set for jury trial the week of November 4, 2013.

"Generally, the filing of a notice of appeal confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Chambers v. Pennycook*, 641 F.3d 898, 903-904 (8th Cir. 2011) (quotation omitted). The Court finds that, having been divested of jurisdiction over any issues related to qualified immunity of Defendant, the interests of efficiency and justice require staying this matter pending the outcome of the interlocutory appeal.

IT IS THEREFORE ORDERED that Defendant's motion (Doc. 23) to stay is **GRANTED**, and this case is **STAYED** pending resolution of Defendant's interlocutory appeal.

IT IS FURTHER ORDERED that trial of this matter, currently set to commence on November 4, 2013, is canceled and will be re-set once the Court has received notice that Defendant's interlocutory appeal has been resolved.

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

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U. S. DISTRICT JUDGE