

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

DARRYL S. HAYNES,

*

Plaintiff,

*

vs.

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CASE NO. 3:10-CV-11 (CDL)

JPMORGAN CHASE BANK, N.A.,

*

et al.,

*

Defendants.

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O R D E R

On June 29, 2011, the Court granted Defendant JPMorgan Chase Bank's motion for summary judgment, finding that the bank has a right to foreclose on Plaintiff Darryl S. Haynes's property. Order, June 29, 2011, ECF No. 60. The clerk entered judgment in favor of the bank and against Haynes the same day. Judgment, June 29, 2011, ECF No. 61. Presently pending before the Court is Haynes's Motion to Stay Judgment Pending Appeal (ECF No. 63). As discussed below, the motion is denied.

For the Court to stay its order pending appeal, Haynes must show (1) a substantial likelihood that he will prevail on the merits of the appeal, (2) a substantial risk of irreparable injury to Haynes unless the stay is granted, (3) no substantial harm to other interested persons, and (4) no harm to the public interest. *E.g., Touchston v. McDermott*, 234 F.3d 1130, 1132 (11th Cir. 2000); *accord Hilton v. Braunskill*, 481 U.S. 770, 776

(1987). Here, a stay is not appropriate because Haynes has not shown a substantial case on the merits. Moreover, Haynes has not shown that the balance of equities weighs heavily in favor of granting the stay. Though Haynes may suffer irreparable injury if the bank decides to initiate foreclosure proceedings during the pendency of Haynes's appeal, neither the bank's interest nor the public interest would be served by further delaying the bank's ability to pursue its right to initiate a sale under power.

For all of these reasons, the Court denies Haynes's Motion to Stay Judgment Pending Appeal (ECF No. 63).

IT IS SO ORDERED, this 14th day of July, 2011.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE