

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**TIMOTHY MARVIN FRICKS,**

**Plaintiff,**

**VS.**

**STEVE UPTON, et al.,**

**Defendants.**

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**NO. 5:10-CV-458 (MTT)**

**Proceedings Under 42 U.S.C. §1983  
Before the U.S. Magistrate Judge**

**ORDER**

Before the Court is a Motion to Stay Discovery (Doc. 18) wherein Defendant Steve Upton requests that discovery in this action be stayed pending resolution of his pending Motion to Dismiss (Doc. 17). Given the nature of the Motion to Dismiss, it is in the interests of justice to stay discovery pending resolution of the motion, in order to avoid any potentially unnecessary costs and burdens associated with further litigation. Accordingly, said Motion is hereby **GRANTED** as follows: Discovery is stayed as to Defendants Upton until the pending Motion to Dismiss has been resolved or until further order of the Court, except that discovery may be had as to the issue of Plaintiff's exhaustion of administrative remedies.

**SO ORDERED**, this 19<sup>th</sup> day of July, 2011.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge