

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

PANDITA CHARM-JOY SEAMAN,)
)
Petitioner,)
)
v.)
)
JOHN KENNEDY PETERSON,)
)
Respondent.)
_____)

CIVIL ACTION NO. 5:10-CV-462 (MTT)

ORDER

This matter is before the court on the Respondent’s Emergency Motion to Stay Order (Doc. 55) (the “Motion”). For the following reasons, the motion is denied.

In an Order (Doc. 53) dated January 14, 2011, this Court ordered that, under the Hague Convention on the Civil Aspects of International Child Abduction, the Respondent’s children must be returned to Mexico, their place of habitual residence. However, recognizing that the immediate return of the children to Mexico might effectively foreclose any relief the Respondent may be entitled to on appeal, the Court stayed the enforcement of the Order until January 24 to allow the Respondent the opportunity to seek a stay from the Eleventh Circuit. In accordance with the Order and Fed. R. App. Proc. 8, the Respondent asks this Court for a stay pending appeal.

Given the facts of this case, as discussed in detail in the January 14 Order, further delaying the children’s return to Mexico is not appropriate. Therefore, the Motion is **DENIED**. However, Rule 8 allows an appellant to file a motion for a stay with the court of appeals if the district court denies a motion to stay pending appeal. To allow

the Respondent to request a stay from the Eleventh Circuit, the Court extends its stay to January 31.

SO ORDERED, this 20th day of January, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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