

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

YONAH EL,

Plaintiff,

v.

CHRISTOPHER THOMAS LEE,

Defendant.

CIVIL ACTION NO. 5:19-CV-74 (MTT)

ORDER

In response to the Defendant’s motion for summary judgment, the Plaintiff argues that the Defendant “decided to use a fake traffic stop to violate the Plaintiff’s Fourth Amendment rights.” Doc. 28-1 at 3. The stop was “fake” the Plaintiff alleges because in fact he was not speeding. *Id.* Rather, the Plaintiff claims, the accusation of speeding was “a ruse to justify an unlawful stop, search, seizure, and invasion of privacy all in direct violation of the Fourth Amendment[.] *Id.* In short, the Plaintiff contends the Defendant did not have grounds to believe that the plaintiff was speeding.

Yet the record appears to reflect that a jury convicted the Plaintiff of several offenses, including speeding. The Plaintiff’s apparent attempt to base his Fourth Amendment false arrest claim on allegations that he was not speeding and that the Defendant had no basis to believe that he was speeding arguably would require this Court to overlook facts decided in another court proceeding and require relitigating those facts. *Wood v. Kesler*, 323 F.3d 872, 879-80 (2003). Further, allowing the

Plaintiff to argue that he was not speeding would, with a favorable outcome, imply the invalidity of his previous conviction. See *Heck v. Humphrey*, 512 U.S. 477, 487 (1994).

Accordingly, the Defendant shall file a brief by December 11, 2020 addressing the issue of whether the Plaintiff's claim is barred by either *Heck* or the doctrine of collateral estoppel. The Plaintiff shall file a response within 21 days. Further, the Defendant shall file a certified copy of the Plaintiff's convictions at issue.

In their supplemental briefs, the parties will also address whether the Defendant had *arguable probable cause* to stop the Plaintiff.

SO ORDERED, this 20th day of November, 2020.

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