

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA STATESBORO DIVISION

JUDITH ALCO CER, Plaintiff, v. BULLOCH COUNTY SHERIFF'S OFFICE, et al., Defendants.

* * * * *

FILED Scott L. Poff, Clerk United States District Court By James Burrell at 2:18 pm, Nov 21, 2017

CV 615-94

ORDER

Defendants have appealed this Court's denial of qualified immunity. (Doc. 111.) When a district court denies qualified immunity, the Eleventh Circuit has interlocutory jurisdiction as long as the denial is "based even in part on a disputed issue of law" and the appeal is non-frivolous. Cottrell v. Caldwell, 85 F.3d 1480, 1485 (11th Cir. 1996). Because arguable probable cause is an issue of law, id. at n.1, and Defendants' appeal is non-frivolous, the Eleventh Circuit has interlocutory jurisdiction over Defendants' appeal. Thus, the Court STAYS this case pending a decision by the Eleventh Circuit.

ORDER ENTERED at Augusta, Georgia, this 21st day of November, 2017.

[Signature] J. RANDAL HALL, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA