

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL COOPER, #R06824,)	
)	
Plaintiff,)	
)	
vs.)	No. 08-742-MJR
)	
JOHN EVANS, et al.,)	
)	
Defendants.)	

ORDER

Defendants Evans, Cooksey, Kline, Windsor, Conrad, Fortag, Campbell, Hopson, Proctor, Oreskovich and Howell are before the Court, in accordance with *Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008), seeking to stay discovery pending resolution of the pending motion for summary judgment, which is premised upon the assertion that plaintiff did not exhaust administrative remedies before filing suit. **(Doc. 67.)**

A review of the record reveals that only defendants Evans and Cooksey moved for summary judgment. Furthermore, the Court recently filed a Report and Recommendation recommending that the motion for summary judgment be denied. Whether U.S. District Judge J. Phil Gilbert will adopt that recommendation remains to be seen. In any event, the claims asserted against the various defendants are so intertwined that staying discovery as to only Evans and Cooksey would necessitate much duplication of discovery and unneeded expenditure of time and resources. Therefore, a stay is appropriate until Judge Gilbert rules on the Report and Recommendation.

IT IS THEREFORE ORDERED that the defendants' motion to stay discovery (**Doc. 67**) is **GRANTED**. The stay will automatically be lifted upon issuance of a final order disposing of Evans's and Cooksey's motion for summary judgment (**Doc. 32**).

IT IS SO ORDERED.

DATED: June 1, 2010

s/ Clifford J. Proud

CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE