

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

BOBBY FORD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:10-cv-829-GPM-DGW
)	
RANDY J. DAVIS, et al.,)	
)	
Defendants.)	

ORDER

Now pending before the Court is a Motion to Stay Discovery filed by Defendants Randy J. Davis and Kimberly Butler on October 7, 2011 (Doc. 23). For the reasons set forth below, this motion is **GRANTED**.

Plaintiff Bobby Ford, a former inmate in the Illinois Department of Corrections, filed this action pursuant to 42 U.S.C. § 1983, claiming that certain Department of Corrections officials violated his constitutional rights. In answering the complaint, Defendants Davis and Butler raised the affirmative defense that that Plaintiff did not properly exhaust administrative remedies prior to filing suit, in violation of 42 U.S.C. § 1997e(a). The Seventh Circuit holds that discovery on the merits should not begin until the question whether a plaintiff has exhausted his administrative remedies within the meaning of the Prison Litigation Reform Act has been resolved. *Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008). Accordingly, the Motion to Stay Discovery is **GRANTED**. A *Pavey* hearing is set for **December 8, 2011**.

IT IS SO ORDERED.

DATED: October 11, 2011



DONALD G. WILKERSON
United States Magistrate Judge