

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

KENNETH HOUCK,)
)
Plaintiff,)
)
v.)
)
C/O LANG, DR. COOK, J. WEBER, LT.)
DELOIA, MR. MEADE, MS.)
CASTELLANO, JOHN DOE 1, and JOHN)
DOE 2,)
)
Defendants.)

Case No. 3:16-cv-1396-JPG-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion to Stay filed by Plaintiff, Kenneth Houck, on May 16, 2017 (Doc. 17). The Motion is **DENIED**.

Plaintiff is proceeding on two counts, that his Fifth Amendment and First Amendment rights were violated by Defendants (Doc. 14). This matter is at the early stages, prior to any Defendant entering an appearance. Plaintiff nonetheless seeks to stay this matter. He claims that a non-party, his cases manager, K. Sanders, is retaliating against him for filing this suit by denying him placement in a Residential Reentry Center. He claims that she told him that if he has to appear in Court on this matter, that he cannot be placed in the center (and that this “threat” is meant to punish him for filing this lawsuit). Thus, he seeks to stay all pretrial matters in this lawsuit until he is placed in the Residential Reentry Center and released from the center 11 months later.

Plaintiff’s retaliation claims are unrelated to the claims in this lawsuit and a stay in this matter is not warranted. Plaintiff elected to file this lawsuit and it will proceed as scheduled absent extraordinary circumstances, none of which are present in this matter. Plaintiff has

presented no argument or evidence that he has been actively prevented from litigating this matter, only that his preferred housing may not be possible if this matter is set for a hearing. It is unlikely that Plaintiff will be required to appear in Court on this matter until after Defendants have filed a responsive pleading and a scheduling order has been entered – several months down the road and certainly after his July 19, 2017 anticipated placement in the center. If Plaintiff believes that he is being retaliated against, he should grieve the matter through the prison grievance process, as it is not an issue in this lawsuit.

DATED: May 24, 2017



DONALD G. WILKERSON
United States Magistrate Judge