

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MAX GENE HUDSON,

Plaintiff,

v.

Case No. 15-2319-JAR

MATT CAHILL, et al.,

Defendants.

ORDER

The *pro se* plaintiff, Max Gene Hudson, brings this lawsuit against various U.S. Marshals, alleging his civil rights have been violated (ECF doc. 1). Defendants filed a motion to stay discovery (ECF doc. 16), pending the resolution of their motion to dismiss or, in the alternative, for summary judgment. The motion is granted.

D. Kan. Rule 7.4(b) provides “[i]f a responsive brief or memorandum is not filed within the Rule 6.1(d) time requirements, the court will consider and decide the motion as an uncontested motion. Ordinarily, the court will grant the motion without further notice.” The instant motion was filed on June 5, 2015. Under D. Kan. Rule 6.1(d)(1), any responses were required to be filed within 14 days, i.e., by June 19, 2015. No response has been filed. The court considers the instant motion unopposed. As such, the motion to stay discovery is granted.

Although unopposed, the court will address the merits briefly. Defendants contend that a stay of discovery is appropriate because their motion to dismiss asserts that this court lacks jurisdiction over plaintiff’s claims. District courts have broad discretion

to stay proceedings.¹ It is appropriate to stay discovery until a pending motion is decided “where the case is likely to be finally concluded as a result of the ruling thereon; where the facts sought through uncompleted discovery would not affect the resolution of the motion; or where discovery on all issues of the broad complaint would be wasteful and burdensome.”² Based on these factors, the court finds a stay is appropriate.

Plaintiff is informed that within 14 days after he is served with a copy of this order, he may, pursuant to Fed. R. Civ. P. 72 and D. Kan. Rule 72.1.4(a), file objections to this order by filing a motion for review of this order by the presiding U.S. district judge. A party must file any objections within the 14-day period if the party wants to have appellate review of this order.

IT IS SO ORDERED.

Dated June 23, 2015, at Kansas City, Kansas.

s/ James P. O’Hara
James P. O’Hara
U.S. Magistrate Judge

¹ *Clinton v. Jones*, 520 U.S. 681, 707 (1997).

² *Wolf v. United States*, 157 F.R.D. 494, 495 (D. Kan. 1994).