

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION AT LEXINGTON

VERNON ALVIN WILSON, JR.,	)	
	)	
Plaintiff,	)	Civil Action No. 5:12-238-KSF
	)	
v.	)	
	)	
FAYETTE COUNTY DETENTION	)	<b>MEMORANDUM OPINION</b>
CENTER, <i>et al.</i> ,	)	<b>AND ORDER</b>
	)	
Defendants.	)	

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Plaintiff Vernon Alvin Wilson, Jr., is an individual formerly confined at the Fayette County Detention Center in Lexington, Kentucky.<sup>1</sup> While an inmate there, Wilson, proceeding without an attorney, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against the Fayette County Detention Center and Correctional Officer Joshua Roberts, concerning his being assaulted by another inmate at the jail. [R. 1] Wilson seeks \$70,000 in punitive damages. By prior order, the Court granted Wilson’s motion to pay the filing fee in installments, dismissed the Fayette County Detention Center as a named defendant, and directed that summonses be issued to the Lexington-Fayette Urban County Government (“LFUCG”) and to Joshua Roberts. [R. 5]

Defendant Joshua Roberts has filed a “Plea for Abatement due to Pending Bankruptcy” [R. 17] in which he indicates he has filed for protection under Chapter 7 of the Bankruptcy Code. Roberts has listed this action in his petition [R. 17-1] and has identified Wilson as the holder of an unsecured nonpriority unliquidated claim in Schedule F of his petition. *In re: Joshua Roberts*, No.

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<sup>1</sup> Wilson has since notified the court that his new address is the Roederer Correctional Complex in LaGrange, Kentucky. [R. 16]

12-53173-GRS (Bankr. E.D. Ky. 2012) [R. 1 therein, p. 19] Pursuant to 11 U.S.C. § 362(a)(1), this matter is automatically stayed, and Roberts' motion will be granted. Roberts' counsel is directed to file an appropriate motion in the event Wilson's claims against Roberts are discharged in the bankruptcy proceeding pursuant to 11 U.S.C. § 727.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Joshua Roberts' "Plea for Abatement due to Pending Bankruptcy" [R. 17] is **GRANTED**.

2. Pursuant to 11 U.S.C. § 362(a)(1), this matter is **STAYED** pending the resolution of Joshua Roberts' Chapter 7 bankruptcy proceeding. Roberts' counsel is directed to file an appropriate motion in the event Wilson's claims against Roberts are discharged in the bankruptcy proceeding pursuant to 11 U.S.C. § 727.

This 5<sup>th</sup> day of March, 2013.



**Signed By:**

Karl S. Forester K S F

**United States Senior Judge**