

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

DEMETRIUS WATKINS

PLAINTIFF

v.

CIVIL ACTION NO. 3:12CV-P585-S

DETECTIVE JONATHAN SNOW et al.

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Plaintiff, Demetrius Watkins, filed a *pro se, in forma pauperis* complaint pursuant to 42 U.S.C. § 1983. This matter is before the Court for screening pursuant to 28 U.S.C. § 1915A and *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997). For the reasons set forth below, the action will be stayed.

Plaintiff, a pretrial detainee at the Nelson County Jail, sues Nelson County Sheriff's Department Deputy Jonathan Snow. He also names as Defendants the Nelson County Police, Detective Jason Allison, and Sergeant Ed Mattingly. He alleges that he was arrested in February 2012, and he raises numerous allegations concerning his arrest, for example that he was not Mirandized, that he was subjected to racial profiling, and that no lawyer was present at the time of arrest. He further asserts "false statements made by police"; "false imprisonment"; and "release from detention (28 U.S.C. §[] 2241)." He also alleges that Defendants slandered his "name all on the newspaper, front page. Made me look all like a animal. Put my background history in the newspaper as well." Plaintiff asks for monetary and punitive damages.

"If a plaintiff files . . . any . . . claim related to rulings that will likely be made in a pending or anticipated criminal trial[], it is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case or the likelihood of a

criminal case is ended.” *Wallace v. Kato*, 549 U.S. 384, 393-94 (2007). Plaintiff has identified himself as a pretrial detainee. Given the nature of Plaintiff’s claims and the on-going criminal proceedings against him, **IT IS HEREBY ORDERED** that this action is **STAYED** pending the final disposition of the criminal case against Plaintiff.

Plaintiff shall notify the Court in writing within 30 days of the final disposition of the state criminal action against him. Plaintiff is WARNED that his failure to do so will result in the dismissal of this civil action.

§ 2241 claim

The complaint lists in the “Statement of Claims” section the following: “(G) Release from detention (28 U.S.C. §[] 2241).” Should Plaintiff in fact wish to pursue a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, the Clerk of Court is **DIRECTED** to send a § 2241 packet to Plaintiff.

Date: November 2, 2012



**Charles R. Simpson III, Judge
United States District Court**

cc: Plaintiff, *pro se*
Defendants
4411.009