

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CHEROSCO L. BREWER

PLAINTIFF

v.

CIVIL ACTION NO. 3:16-CV-00014-CRS

OFFICER HOLLAND et al.

DEFENDANTS

Memorandum Opinion & Order

This matter is before the Court on the motion of Defendants Joel Casse, Holly Hogan, Chad Stewart, Jimmy Adams, Anthony James, Robert Holland, and Justin Bickett (collectively, “Defendants”) to stay this action pending the resolution of Plaintiff Cherosco L. Brewer’s criminal cases. Mot. Stay 1, ECF No. 24. Brewer did not respond.

Brewer has criminal charges pending before the Jefferson County, Kentucky District Court, Cases No. 15T562620 and 15T59196, as well as before the United States District Court for the Western District of Kentucky, Case No. 3:17-CR-00037-DJH. The events forming the basis for these criminal charges are the same as those forming the basis for the current civil case. See Am. Compl. 4–7, ECF No. 12; Answer 1–2, ECF No. 23.

In *Wallace v. Kato*, the Supreme Court stated, “If a plaintiff files a false-arrest claim before he has been convicted (or files any other 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.” 549 U.S. 384, 393–94 (2007). Furthermore, “[i]f the plaintiff is ultimately convicted, and if the stayed civil suit would impugn that conviction, [*Heck v. Humphrey*, 512 U.S. 477 (1994)] will require dismissal; otherwise, the civil action will proceed, absent some other bar to suit.” *Id.* at 394.

Given that the criminal cases are still pending and that they may affect the disposition of the current civil case, Defendants' motion to stay is **GRANTED**. The current civil action is **STAYED** until the criminal actions are resolved.

July 12, 2017

A handwritten signature in black ink, appearing to read 'CS III', is written over a faint, circular official seal of the United States District Court. The seal features an eagle and the words 'OFFICE OF THE CLERK' and 'UNITED STATES DISTRICT COURT'.

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