

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CHEROSCO BREWER

PLAINTIFF

v.

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

OFFICER HOLLAND, ET AL.

DEFENDANTS

MEMORANDUM OPINION

This matter is before the court on plaintiff Cherosco Brewer's motion to alter, vacate, or amend the previous order granting a stay in the case. ECF No. 33. Defendants Joel Casse, Holly Hogan, Chad Stewart, Jimmy Adams, Anthony James, Robert Holland, and Justin Bickett responded. ECF No. 34. For the reasons stated below, the court will deny Brewer's motion.

Brewer has criminal charges pending before the Jefferson District Court, Cases No. 15-T-56260 and 15-T-59196, and the U.S. 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 Brewer's section 1983 claims. This court previously granted a motion to stay the civil case until the underlying criminal charges are resolved.

A district court has broad discretion to stay a civil case that includes "claim[s] related to rulings that will likely be made in a pending or anticipated criminal trial." *Wallace v. Keto*, 549 U.S. 384, 393-94 (2007); *Heck v. Humphrey*, 512 U.S. 477, 487 n.8 (1994). Because Brewer's section 1983 claims against defendants alleging illegal search and seizure and unlawful arrest will be impacted by rulings in his criminal cases, it is appropriate to stay the civil case. Brewer's motion fails to present a cognizable argument that the court erred in this determination.

For the foregoing reasons, Brewer's motion to alter, vacate, or amend the court's order to stay the case will be denied. An order will be entered in accordance with this memorandum.

November 29, 2017

A handwritten signature in black ink, appearing to read "CS III", is written over a faint circular seal of the United States District Court.

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