

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

OBADIAH FRANCOIS, ET AL

CIVIL ACTION

VERSUS

NO. 13-2640

CITY OF GRETNA, ET AL


SECTION "C" (3)

ORDER AND REASONS

IT IS ORDERED that the motion for summary judgment filed by the plaintiffs is DENIED without prejudice. Rec. Doc. 8.

IT IS FURTHER ORDERED that the motion to stay proceedings filed by the City of Gretna is GRANTED. Rec. Doc. 10. Because criminal charges are pending for violations of La. Rev. Stat. § 14:59A(5), relative to criminal mischief, and La.Rev.Stat. § 14:285A, relative to harassing phone calls, the claims for wrongful seizure under 42 U.S.C. § 1983 fall within the ambit of *Heck v. Humphrey*, 512 U.S. 477 (1994) and *Wallace v. Kato*, 549 U.S. 384, 393 (2007). *See Connors v. Graves*, 538 F.3d 373, 377 (5th Cir. 2008). Therefore, this matter is STAYED and ADMINISTRATIVELY CLOSED to be reopened on motion of any party, if appropriate, after the pending state court criminal charges have been resolved.

New Orleans, Louisiana, this 29th day of July, 2013.


HELEN G. BERRIGAN
UNITED STATES DISTRICT COURT