

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

TROY D. WADE (#305401)

CIVIL ACTION

VERSUS

WARDEN N. BURL CAIN, ET AL.

NO. 15-0737-JWD-EWD

ORDER

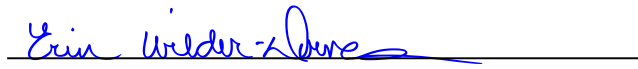
Before the Court are Plaintiff's two Motions for an Order Compelling Discovery (R. Docs. 43 and 44). These motions are opposed.

Plaintiff's motions shall be denied at the present time. Pursuant to Order dated December 7, 2015 (R. Doc. 12), the Court directed the parties to complete discovery and to file cross-motions for summary judgment within 90 days. Whereas Plaintiff thereafter timely propounded discovery requests to Defendants (R. Docs. 15-22), Defendants have since filed a Motion for Summary Judgment that asserts, inter alia, the affirmative defense of qualified immunity (R. Doc. 37). Defendants have also filed a Motion to Re-set the Scheduling Deadlines and a Motion to Stay Discovery (R. Docs. 39 and 40). Inasmuch as the assertion of the defense of qualified immunity generally supports a suspension of discovery until the defense is resolved, the Court by separate Order will impose a stay of discovery and re-set the discovery deadlines. See *Schultea v. Wood*, 47 F.3d 1427, 1434 (5th Cir. 1995) (finding that qualified immunity is an immunity, not just from liability, but also from the burdens of discovery, and "[t]he district court ... need not allow any discovery unless it finds that plaintiff has supported his claim with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendant's conduct at the time of the alleged acts"). As a result, Defendants are not obligated to respond to Plaintiff's outstanding

discovery until the Court issues a Ruling on Defendants' pending motion for summary judgment. In addition, the Court finds that Plaintiff will not suffer any prejudice because he will have an opportunity to engage in discovery after that Ruling. Accordingly,

IT IS ORDERED that Plaintiff's Motions for an Order Compelling Discovery (R. Docs. 43 and 44) are hereby **DENIED**.

Signed in Baton Rouge, Louisiana, on April 14, 2016.



ERIN WILDER-DOOMES
UNITED STATES MAGISTRATE JUDGE