

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JOSEPH BOWMAN CORMIER, ET AL. CIVIL ACTION NO. 6:09-cv-0703

VERSUS

MAGISTRATE JUDGE HANNA

LAFAYETTE CITY PARISH
CONSOLIDATED GOVERNMENT,
ET AL.

BY CONSENT OF THE PARTIES

ORDER

Considering the “Motion for Certification of Court Rulings on Motions for Summary Judgment for Final and/or Interlocutory Appeal” filed by defendants Cpl. Heather Martin, Lt. Nolvey Stelly, and Lafayette City-Parish Consolidated Government (Rec. Doc. 105),

IT IS ORDERED that the motion is GRANTED IN PART and DENIED IN PART. More particularly,

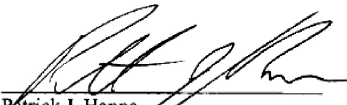
The judgment on the defendants’ motion for summary judgment (Rec. Doc. 103), denying qualified immunity and/or absolute immunity is appealable as of right pursuant to *Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985), without further designation. Therefore, the motion for certification under Fed.R.Civ.P. 54(b) is DENIED.

The court certifies that the judgment on the defendants’ motion for summary

judgment (Rec. Doc. 103), denying dismissal under the *Heck* doctrine 1) involves a controlling question of law, 2) as to which there is a substantial ground for difference of opinion, and 3) immediate appeal from the judgment would materially advance the ultimate termination of this litigation. Therefore the motion to certify the judgment for appeal pursuant to 28 U.S.C. § 1292(b) is GRANTED and the court hereby certifies this Order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

IT IS FURTHER ORDERED that this case be stayed until such time as the Court of Appeals for the Fifth Circuit resolves the appeal.

Signed at Lafayette, Louisiana, this 22nd day of November 2011.



Patrick J. Hanna
United States Magistrate Judge
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