

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JOSEPH B. WILLIAMS, JR.
JERALD STANSBURY

CIVIL NO. 6:14-cv-00633 (LEAD)
6:14-cv-00960 (MEMBER)

VERSUS

MAGISTRATE JUDGE HANNA

IBERIA PARISH SHERIFF OFFICE,
SHERIFF LOUIS M. ACKAL, AND
OFFICER ZACHARY SCHAUBERT

BY CONSENT OF THE PARTIES

ORDER

Pending before this Court is a motion for summary judgment brought by the defendants, Sheriff Louis Ackal and Deputy Sheriff Zachary Schaubert, who have been sued in their individual capacities under 18 U.S.C. § 1983, seeking dismissal of the claims against them on the basis of qualified immunity. [Rec. Doc. 31]. In a memorandum ruling dated August 28, 2015 [Rec. Doc. 44], this Court ruled on the motion to the extent that it addressed the claims asserted by plaintiff Joseph B. Williams, Jr. and deferred ruling to the extent that the motion addressed the claims asserted by plaintiff Jerald Stansbury. At that time, state-law criminal charges remained pending against Mr. Stansbury, and he was planning to proceed to trial. This Court was subsequently notified that Mr. Stansbury was planning to enter a plea with regard to the criminal charges. To date, however, no plea has been entered and the matter has not been set for trial. Until the charges against Mr. Stansbury have

been resolved, it is not possible to determine the effect of those charges on the claims asserted by Mr. Stansbury in this lawsuit, particularly under *Heck v. Humphrey*, 512 U.S. 477 (1994), nor is it possible to resolve the issues presented in the pending motion concerning Mr. Stansbury. Accordingly,

IT IS ORDERED that, to the extent that the motion for summary judgment on qualified immunity, which was filed by the defendants, Sheriff Louis M. Ackal and Sheriff's Deputy Zachary Schaubert [Rec. Doc. 31] remains pending with regard to the claims asserted by plaintiff Jerald Stansbury, the motion is DENIED without prejudice to the defendants' right to reassert the motion, if necessary or appropriate, following the resolution of the state-law criminal charges currently pending against Mr. Stansbury.

Signed at Lafayette, Louisiana on April 6, 2016.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE