

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**BRIAN CHASTAIN,**

**Plaintiff,**

**CIVIL ACTION NO. 08-CV-12299-DT**

**vs.**

**DISTRICT JUDGE NANCY G. EDMUNDS**

**WILLIAM J. SARASIN, et al.,**

**MAGISTRATE JUDGE MONA K. MAJZOUB**

**Defendants.**

---

**OPINION AND ORDER GRANTING DEFENDANTS' MOTION FOR PROTECTIVE  
ORDER STAYING DISCOVERY**

This matter comes before the Court on Defendants' Motion for Protective Order Staying Discovery. (Docket no. 14). This is a *pro se* civil rights action filed by a Michigan state prisoner. (Docket no. 1). Defendants Sarasin and Birkett have filed a Motion for Summary Judgment (docket no. 18) which is pending now. Plaintiff has not responded to Defendants' Motion for Protective Order, and the time for responding has now expired. All pretrial matters have been referred to the undersigned for ruling. (Docket no. 16). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). Defendants' motion is now ready for ruling.

Defendants raise the defense of qualified immunity as state employees in their motion for summary judgment. (Docket no. 18). The Sixth Circuit has made clear that when such a motion is filed discovery should not be allowed until after the immunity question is resolved. *Skousen v. Brighton High School*, 305 F.3d 520, 526-27 (6<sup>th</sup> Cir. 2002). In accordance with this authority, discovery will be stayed pending consideration of Defendants' summary judgment motion.

**IT IS THEREFORE ORDERED** that Defendants' Motion for Protective Order Staying Discovery (docket no. 14) is **GRANTED** and discovery is stayed until further order of the Court.

**NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: February 05, 2009

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this Opinion and Order was served upon Brian Chastain and Counsel of Record on this date.

Dated: February 05, 2009

s/ Lisa C. Bartlett  
Courtroom Deputy