

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

WILLIAM SHORT,

Plaintiff,

CIVIL ACTION NO. 09-CV-12323

vs.

DISTRICT JUDGE PATRICK J. DUGGAN

**SHERIFF DAN HINES, SGT.
WALKER, LT. CARMONEY,
JOHN DOE OFFICERS,
COORDINATED CARE PLLC,
OFFICER WICKHAM, OFFICER
KELLENBERGER, RHONDA
SCHULTZ, NANCY YIRKU,
JACKIE COX, MICHAEL BURGESS,
and CARRIE DASH,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**ORDER GRANTING IN PART DEFENDANTS' MOTION TO STAY DISCOVERY
(DOCKET NO. 45) AND DENYING PLAINTIFF'S MOTION TO GRANT LEAVE TO
SERVE AN ADDITIONAL 25 INTERROGATORIES (DOCKET NO. 40)**

This matter comes before the Court on several discovery motions. This is a *pro se* civil rights action filed by a Michigan state prisoner. (Docket no. 20). Defendants Hines [sic Heyns], Walker, Carmoney, Wickham, Brittin, and Kellenberger have filed a Motion for Dismissal and Summary Judgment which is now pending. (Docket no. 43). In connection with that motion, these same Defendants filed a Motion to Stay Discovery. (Docket no. 45). Plaintiff has not responded to that motion and the time for responding has expired. Prior to the Defendants' filing their motions, the Plaintiff filed a Motion to Grant Leave to Serve an Additional 25 Interrogatories to Defendants. (Docket no. 40). All pretrial matters have been referred to the undersigned for action. (Docket no.

11). The Court dispenses with oral argument on the motions pursuant to E.D. Mich. LR 7.1(f). The Court is now ready to rule on Defendants' Motion to Stay Discovery and Plaintiff's Motion to Grant Leave to Serve an Additional 25 Interrogatories to Defendants pursuant to 28 U.S.C. § 636(b)(1)(A).

On August 4, 2009 the Court entered a Scheduling Order providing that discovery was due by December 31, 2009. (Docket no. 7). The discovery period was subsequently extended to January 31, 2010. (Docket no. 19 at 5). Neither party addressed the discovery deadline in their pending motions or moved to amend the Scheduling Order. After Plaintiff filed the instant motion requesting leave to serve additional interrogatories, he filed a Motion for Summary Judgment and attached more than one hundred and sixty pages of documents as exhibits. (Docket no. 47). Defendants have also attached over one hundred pages of documents as exhibits to their Motion for Summary Judgment. (Docket no. 43).

Defendants raise the defense of qualified immunity as state employees in their Motion for Summary Judgment. (Docket no. 43). The Sixth Circuit has made clear that the Court is required to resolve the question of qualified immunity before permitting further discovery. *Skousen v. Brighton High School*, 305 F.3d 520, 526-27 (6th Cir. 2002). In accordance with Sixth Circuit authority and with the Court's Scheduling Order in this case, the Court finds that the discovery period is closed pending consideration of Defendants' summary judgment motion and further order of this Court.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Grant Leave to Serve an Additional 25 Interrogatories to Defendants (docket no. 40) is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Motion to Stay Discovery (docket no. 45) is **GRANTED** to the extent that discovery is closed pending further Order of this Court, and is

otherwise **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen 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: August 30, 2010

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 William Short and Counsel of Record on this date.

Dated: August 30, 2010

s/ Lisa C. Bartlett
Case Manager