

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

S. BAXTER JONES,

Plaintiff,

Case No. 17-11744

Magistrate Judge Elizabeth A. Stafford

v.

CITE OF DETROIT, *et al.*,

Defendants.

**ORDER STAYING PROCEEDINGS
AND ADMINISTRATIVELY CLOSING CASE
PENDING PETITION FOR WRIT OF CERTIORARI**

The United States Supreme Court is considering plaintiff's petition for a writ certiorari on Counts I and III of his complaint. See ECF No. 99. The Supreme Court has scheduled plaintiff's petition for a conference on September 28, 2022. After dispositive motions, Count VII is the only remaining claim pending here, and the next step to adjudicate that claim is trial. This case was scheduled for trial on August 2, 2022, but the parties recently consented to this Court exercising jurisdiction over all proceedings under 28 U.S.C. § 105.

Courts have discretion to stay proceedings and administratively close cases pending decisions by the Supreme Court. See *Patterson v. United*

*States, No. 115CV01300JDBEGB, 2019 WL 472257, at *1 (W.D. Tenn. Feb. 6, 2019); Inclusive Communities Project, Inc. v. Texas Dep't of Hous. & Cmty. Affs., No. 3:08-CV-0546-D, 2014 WL 2815683, at *3 (N.D. Tex. June 23, 2014); Herrod v. United States, No. 4:11CR00176-001, 2017 WL 4079541, at *1 (E.D. Tex. Aug. 3, 2017), adopted, No. 11CR00176-001, 2017 WL 4076120 (E.D. Tex. Sept. 14, 2017).* The Court will exercise its discretion to stay all proceedings and administratively close the case pending the proceedings before the Supreme Court.

“An order to administratively close a case is not dispositive of the outcome of the case, and is not a substantive decision of the district court.” *Feltner v. Lamar Adver. of Tenn., Inc. & Travelers Co., 200 F. App'x 419, 422 (6th Cir. 2006).* Plaintiff must file a motion to reopen the case once the proceedings before the Supreme Court have concluded.

IT IS ORDERED.

Dated: July 18, 2022

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge