

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR BATSON,

Plaintiff,

v.

Case Number 17-12214

Honorable David M. Lawson

SGT. KENNAMER and DEPUTY
LEONOWICZ,

Defendants.

_____ /

ORDER STAYING PROCEEDINGS PENDING APPEAL

On December 21, 2018, the Court entered an opinion granting in part the defendants' motion for summary judgment and dismissing all of the claims in the case except their First Claim for Relief against defendants Sergeant Kennamer and Deputy Leonowicz only. On January 16, 2019, defendant Kennamer filed a notice of appeal of the Court's ruling denying him qualified immunity. The denial of qualified immunity on legal grounds is appealable under the collateral-order doctrine, *Mitchell v. Forsyth*, 472 U.S. 511, 529-30 (1985), and "[t]he filing of a notice of appeal is an event of jurisdictional significance — it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal," *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). The Court therefore lacks jurisdiction to proceed further in the matter against defendant Kennamer until the appeal is resolved. Although progress against defendant Leonowicz would be permitted, the Court finds that the more prudent course under the circumstances would be to stay the proceedings against both defendants until Kennamer's appeal is decided. The Court therefore will stay the case and suspend all pending deadlines under the scheduling order.

The Court also notes that the defendant filed on the docket a copy of an order form requesting certain transcripts of the proceedings. That filing was improper because under the prevailing practice in this district transcript orders must be routed on the appropriate form or through the electronic voucher system directly to the court reporter assigned to produce them. The filing therefore will be stricken.

Accordingly, it is **ORDERED** that all proceedings in this matter are **STAYED** pending the disposition of the appeal by defendant Kennamer, and all dates and deadlines under the scheduling order are **SUSPENDED** until further order of the Court.

It is further **ORDERED** that the defendant's transcript order form (ECF No. 83) is **STRICKEN**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: January 24, 2019

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 24, 2019.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI