

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ANTHONY LAWS

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:11cv48-MPM-DAS

DAVIDSON LADDERS, INC., ET AL.

DEFENDANTS

ORDER

This matter is before the court on the motion of the plaintiff, Anthony Laws, to stay discovery pending remand (# 10). The plaintiff has not yet filed a motion to remand with the District Court thereby rendering the issue moot. The court notes, however, that until the parties have participated in the case management conference and a scheduling order has been approved by the court, Rule 26(d)(1) of the Federal Rules of Civil Procedure provides that a party may not seek discovery before the case management conference. Since the case management conference has not taken place, discovery should not have commenced.

Additionally, the court notes that pursuant to Rule 16(b)(1)(B) of the Uniform Local Rules plaintiff must, at the time the remand motion is filed, submit to the magistrate judge a proposed order granting the stay.

IT IS, THEREFORE, ORDERED that plaintiff's motion to stay discovery (# 10) is hereby considered MOOT. Additionally, the plaintiff is instructed to submit a proposed order staying non-remand related discovery once a motion for remand is filed.

SO ORDERED, this the 16th day of March 2011.

/s/David A. Sanders
UNITED STATES MAGISTRATE JUDGE