

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

TONY RENNETTE HARRINGTON

PLAINTIFF

V.

CAUSE NO. 3:21-CV-718-CWR-FKB

SHERIFF BRANDON BUSBY, et al.

DEFENDANTS

ORDER

Before the Court is defendants' motion to stay. Docket No. 28. Plaintiff opposes the motion. Docket No. 31. Upon review, the motion is well-taken and due to be granted.

Plaintiff Tony Rennette Harrington filed this action on November 5, 2021, alleging that the search of his home and subsequent arrest for an alleged burglary were unlawful. Docket No. 1.

Defendants Choctaw County Sheriff Brandon Busby, former Choctaw County Investigator Justin Livingston, and Attala County Investigator Jimmy Nunn filed the present motion to stay this § 1983 action until completion of the underlying criminal proceeding.

Having reviewed the parties' submissions, the Court finds that the outcome of the state court criminal proceeding may impact the present § 1983 action. As the Fifth Circuit has instructed, "district courts should stay § 1983 cases that may implicate the validity of the pending criminal proceedings until those underlying proceedings have run their course." *Gates v. Strain*, 885 F.3d 874, 883 (5th Cir. 2018). "The court may—indeed should—stay proceedings in the section 1983 case until the pending criminal case has run its course, as until that time it may be difficult to determine the relation, if any, between the two." *Mackey v. Dickson*, 47 F.3d 744, 746 (5th Cir. 1995).

Accordingly, this court concludes that defendants' motion to stay this action is well-taken and therefore, GRANTED.

SO ORDERED, this the 2nd day of August, 2022.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE