

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MICHAEL EARL STAMPS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-CV-58 JAR
)	
CHRISTOPHER K. LIMBAUGH, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Michael Earl Stamps' motion for reconsideration of the stay of the case. For the following reasons, the motion will be denied.

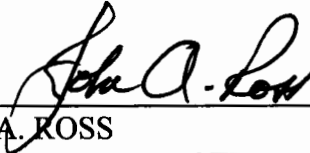
On April 11, 2018, the Court stayed all proceedings in this civil case pending final disposition of the criminal charges pending against plaintiff in *State v. Stamps*, No. 17CG-CR00356-01 (32nd Judicial Circuit, Cape Girardeau). See ECF No. 9. As the Court stated in its order, plaintiff's § 1983 claims for illegal seizure, failure to conduct an adequate investigation, "unlawful pretrial detention," substantive due process violations of his right to be free of illegal restraint, and conspiracy relate to rulings that "will likely be made in [plaintiff's] pending criminal trial." *Wallace v. Kato*, 549 U.S. 384, 393 (2007). Plaintiff's pending criminal proceedings are set for a hearing on May 7, 2018.

It is within the power of the District Court, in accord with common practice, to stay plaintiff's civil action until the criminal case is ended. *Wallace*, 549 U.S. at 393-94. If plaintiff is ultimately convicted in his criminal case, and if this civil case would impugn that conviction, it will be dismissed under *Heck v. Humphrey*, 512 U.S. 477 (1994). If not, plaintiff may move to reopen this case by filing a motion to reopen after the final disposition of his criminal charges.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to reconsider the stay of the case is
DENIED. [ECF No. 11]

Dated this 25th day of April, 2018.

A handwritten signature in black ink, appearing to read "John A. Ross", is written over a horizontal line.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE