

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                           |   |                          |
|---------------------------|---|--------------------------|
| CALVIN FLETCHER,          | ) |                          |
|                           | ) |                          |
| Plaintiff,                | ) |                          |
|                           | ) |                          |
| vs.                       | ) | Case No. 4:14-CV-999-RLW |
|                           | ) |                          |
| JOSEPH TOMLINSON, et al., | ) |                          |
|                           | ) |                          |
| Defendants.               | ) |                          |

**MEMORANDUM AND ORDER**

This matter is before the Court on the Motion of Officers Moton and Martorano for Stay of Execution (ECF No. 215). Defendants ask this Court to stay the execution on the Judgment entered on August 10, 2016, and stay any discovery served in aid of such execution. Plaintiff opposes the stay, unless Defendants post a bond equal to the full amount of the judgment, plus post-judgment interest. (ECF No. 217 at 1). Plaintiff has provided no reason why a bond is needed or indicated that he has any fear that the Defendants will become insolvent. Plaintiff merely states that Rule 62 “calls for security for the party against whom a stay is ordered; any stay without adequate bond or other security is disfavored.” (ECF No. 217 at 1).

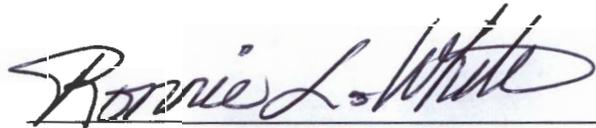
Under Rule 62(b), “[o]n appropriate terms for the opposing party's security, the court may stay the execution of a judgment—or any proceedings to enforce it—pending disposition” of post-trial motions. Defendants Moton and Martorano were sued in their official capacities. The Court does not believe that there is a risk that Defendants (who are state actors and, in essence, state entities) could become insolvent. Nor has Plaintiff demonstrated that he needs a bond to protect his interests. The Court notes that, under Rule 62(e), the Court “must not require a bond,

obligation, or other security from the appellant when granting a stay on an appeal by the United States, its officers, or its agencies or an appeal directed by a department of the federal government.” Although this case does not involve the United States government or other federal entity, the Court finds that the same rationale also precludes requiring a bond from the Defendants Moton and Martorano. Plaintiff has not asserted that this Judgment is uncollectible or will become uncollectible absent posting a bond. The Court holds that the bond will not provide any additional security to Plaintiff. Therefore, the Court grants the Motion of Officers Moton and Martorano for Stay of Execution.

Accordingly,

**IT IS HEREBY ORDERED** that the Motion of Officers Moton and Martorano for Stay of Execution [ECF No. 215] is **GRANTED**.

Dated this 3rd day of October, 2016.

  
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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE