

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA            )  
*ex rel.* Eric Fields,                    )  
  )  
                          Plaintiff,                    )  
  )  
                          v.                            ) Case No. 4:14 CV 1321 RWS  
  )  
THE BI-STATE DEVELOPMENT            )  
AGENCY OF THE MISSOURI-            )  
ILLINOIS METROPOLITAN            )  
DISTRICT, et al.,                    )  
  )  
                          Defendants.                    )

**MEMORANDUM & ORDER**

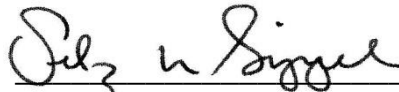
Defendant Bi-State moves to stay proceedings pending resolution of Bi-State’s petition for a writ of *certiorari* filed with the United States Supreme Court. Bi-State seeks review of the Eight Circuit’s opinion concluding that Bi-State is not entitled to Eleventh Amendment sovereign immunity in this matter. I have “broad discretion to stay proceedings as incident to [my] power to control [my] own docket.” See Clinton v. Jones, 520 U.S 681 (1997). I find that allowing proceedings to continue in this matter “would defeat the purpose of qualified immunity.” See Britton v. Thompson, No. 7:08CV5008, 2009 WL 2365389 (W.D. Mo. July 29, 2009). “Qualified immunity is immunity from suit rather than a mere defense to liability.” Pearson v. Callahan, 555 U.S. 223, 237 (2009).

Accordingly,

**IT IS HEREBY ORDERED** that defendant Bi-State's motion to stay proceedings [no. 157], is **GRANTED** pending the Supreme Court of the United States' ruling on Bi-State's petition for a writ of *certiorari* in United States ex rel. Fields v. Bi-State Development Agency, etc., Appeal No. 16-3783.

**IT IS FURTHER ORDERED** that defendant Bi-State must immediately notify me and plaintiff Eric Fields when the Supreme Court rules on its petition for a writ of *certiorari*.

**IT IS FURTHER ORDERED** that the hearing in this matter set for Tuesday, November 7 is **VACATED**.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of November, 2017.