

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DYLAN ERIC LANDERS,

Plaintiff,

vs.

SCOTT FRAKES, DIANE SABATKARINE, J. BEATY, Research Representative; C. CONNELLY, Intelligence Representative; M. ROTHWELL, Classification Representative; and S. BRYANT, PsyD, Mental Health Representative;

Defendants.

**8:17CV371**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Defendants’ “Motion to Stay Discovery.” ([Filing No. 50](#).) Defendant filed a brief in support of their motion stating that they intend to file a summary judgment motion on the issue of qualified immunity. ([Filing No. 51](#).) They seek an order staying discovery until the court resolves their anticipated motion on qualified immunity.

The doctrine of qualified immunity is designed to protect state actors from monetary damages and the costs associated with litigation, such as discovery. *Harlow v. Fitzgerald*, 457 U.S. 800, 817-18 (1982). Qualified immunity is “an immunity from suit rather than a mere defense to liability.” *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) (emphasis in original). Thus, where qualified immunity is asserted as a defense, it is within the discretion of the court to stay discovery until the issue of qualified immunity is resolved. See *Ballard v. Heineman*, 548 F.3d 1132, 1136-37 (8th Cir. 2008).

IT IS THEREFORE ORDERED that:

1. Defendants' "Motion to Stay Discovery" ([Filing No. 50](#)) is granted. Discovery is stayed until further order of the court. This means that Defendants are not required to respond to any outstanding discovery requests, and Plaintiff is not authorized to serve any additional discovery requests, unless and until the court enters an order lifting the stay.

2. Plaintiff is not prohibited from filing a properly supported motion to obtain court approval to conduct limited discovery regarding issues raised by Defendants once they file their anticipated summary judgment motion. *See* [Federal Rule of Civil Procedure 56\(d\)](#).

Dated this 26th day of July, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge