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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 JOE PANICARO,

10 Plaintiff,

11 vs.

12 STOREY COUNTY, et al.

13 Defendants.
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Case No. 3:20-cv-00506-RCJ-WGC

ORDER

15 Plaintiff sues Storey County and nine government officials under 42 U.S.C. § 1983 in
16 connection with an arrest and a criminal prosecution. He filed this case on September 4, 2020.
17 (ECF No. 1.) He filed a motion to have this case stayed pending the final resolution of the criminal
18 prosecution, which he purports was ongoing at the time of the motion. (ECF No. 3.) In the motion,
19 he requests that be excused from executing service until the requested stay is completed. (*Id.*)
20 While a court should generally stay a § 1983 case where there is a possibility of inconsistent rulings
21 in parallel criminal proceedings, *see Wallace v. Kato*, 549 U.S. 384, 393–94 (2007), this is an issue
22 that should be litigated before the parties, *see, e.g., Beeman v. Drobney*, No. 20-4256, 2021 WL
23 641383, at *2 (C.D. Ill. Jan. 28, 2021) (ordering a plaintiff to serve the defendants before ruling
24 on the issue of a stay). The Court thus denies this motion at this time.

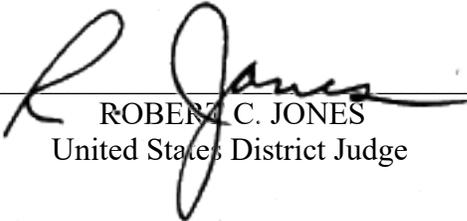
CONCLUSION

IT IS HEREBY ORDERED that Motion to Stay (ECF No. 3) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff shall file proof of service on Defendants within ninety days of receipt of this Order.

IT IS SO ORDERED.

Dated September 7, 2021.


ROBERT C. JONES
United States District Judge

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