

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

RYAN McFADYEN; MATTHEW

WILSON; BRECK ARCHER

Plaintiffs,

Civil Action No.: 1:07-CV-953

v.

Duke university, et al.,

Defendants.

**JOINDER OF DEFENDANT LINWOOD WILSON IN DEFENDANT CITY
OF DURHAM'S AND ALL INDIVIDUAL CITY DEFENDANTS' MOTION
TO STAY PROCEEDINGS**

Defendant Linwood Wilson hereby files this Joinder in the Motion by Defendant the City of Durham, North Carolina and the individual City Defendants¹ (collectively, the "City Defendants") for a stay of all proceedings in the above-captioned action pending the outcome of their appeals to the United States Court of Appeals for the Fourth Circuit. In support of this Joinder, Movant states the following:

1. The City Defendants correctly demonstrate, in their Motion to Stay Proceedings (Document No. 152) and the accompanying Brief (Document No. 153), that

¹ The individual City Defendants consist of Defendants Patrick Baker, Steven Chalmers, Beverly Council, Ronald Hodge, Jeff Lamb, Lee Russ, Michael Ripberger, David Addison, Mark Gottlieb, and Benjamin Himan.

this action should be stayed in its entirety to promote judicial efficiency and to avoid piecemeal litigation and the attendant undue burden to this Court and parties.

2. Further, the City Defendants have shown, in their Motion and accompanying Brief, that there is no practical or efficient way to confine discovery proceedings to the claims that are not subject to appeal, since those claims are closely interwoven with the claims on appeal. It, therefore, follows that the simplest and most cost-efficient solution for this Court and the parties to this action is a stay of the action in its entirety pending the Fourth Circuit's decision on the appeals.²

For the foregoing reasons, and those stated more fully in the City Defendants' Motion to Stay Proceedings and their supporting Brief, it is respectfully requested that this Court stay all proceedings in the above-captioned matter until such time as the United States Court of Appeals for the Fourth Circuit decides the outcome of the pending appeals.

Respectfully submitted, this the 17th day of May, 2011.
/s/ Linwood E. Wilson
Pro se

² Notably, Plaintiffs in this matter have also filed a Motion for Certification of Interlocutory Appeal and accompanying Brief (Document Nos. 155 and 156) with respect to the portion of this Court's March 31, 2011 Memorandum Opinion and Order (Document Nos. 133 and 134) holding that the City of Durham cannot be liable under 42 U.S.C. § 1983 based on its delegation of authority over the Durham Police investigation to Defendant Nifong. This adds to the overall number of potential claims on appeal, and, given the intertwined nature of the claims, is another reason for this Court to stay all proceedings in this action pending the outcome of the appeals.

CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing **Joinder of Defendant Linwood Wilson in Defendant City Of Durham's and All Individual City Defendants' Motion to Stay Proceedings** was filed electronically. Notice of this filing will be sent by operation of the Court's Electronic Filing System to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

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This the 18th day of May, 2011.
 /s/ Linwood E. Wilson
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