

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MD ELTON R. KERR,

Plaintiff,

:

Case No. 3:07-cv-297

-vs-

Magistrate Judge Michael R. Merz

:

MD WILLIAM W. HURD, et al.,

Defendants.

ORDER VACATING TRIAL DATE

Defendant having taken an interlocutory appeal from this Court’s denial of qualified immunity, this Court has lost jurisdiction to proceed. It is accordingly ordered that the final pretrial conference date and the trial date be, and they hereby are, VACATED.

April 13, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge