

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

ALI GARBA,

Petitioner,

v.

WAUKESHA COUNTY CIRCUIT  
COURT,

Respondent.

Case No. 17-CV-244-JPS

**ORDER**

On February 28, 2017, Petitioner filed a motion to stay the criminal proceedings against him in Wisconsin state court. (Docket #2). Petitioner's sentence on the underlying criminal charge was stayed pending his appeals through the state court system. *Id.* at 2. Those appeals ended on February 13, 2017, and Petitioner filed the instant action on February 27, 2017. *Id.* That same day, the Circuit Court for Waukesha County lifted the stay on Petitioner's sentence and ordered him to surrender to the county sheriff, effective March 17, 2017. *Id.*

Petitioner brings his motion pursuant to 28 U.S.C. § 2251, which permits federal courts to order that a state court proceeding be stayed pending resolution of a habeas proceeding. 28 U.S.C. § 2251(a)(1). As with any other injunction, to claim entitlement to a stay, Petitioner must show "(1) he has a substantial likelihood of success on the merits; (2) he will suffer irreparable injury unless the injunction issues; (3) the stay would not substantially harm the other litigant; and (4) if issued, the injunction would not be adverse to the public interest." *Powell v. Thomas*, 641 F.3d 1255, 1257 (11th Cir. 2011).

The entirety of his argument in support is two sentences:

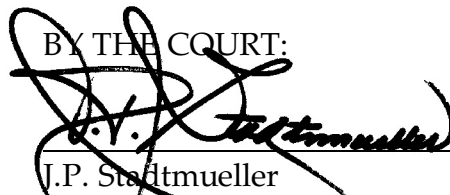
7. Ali Garba will suffer immediate and irreparable harm if the stay of sentence is lifted, in that he will be taken into custody.
8. There is a likelihood of success on the merits of Ali Garba's Petition for a Writ of Habeas Corpus.

(Docket #2 at 2). These representations fall woefully short of establishing each of the four required elements; only two elements are referenced and even those are treated conclusorily. Thus, the Court declines to exercise its discretion in favor of granting the requested stay. Petitioner's motion will be denied.

Accordingly,

**IT IS ORDERED** that the petitioner's motion to stay (Docket #2) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 1st day of March, 2017.

BY THE COURT:  
  
\_\_\_\_\_  
J.P. Stadtmueller  
U.S. District Judge