

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY BARTUNEK,

Defendant.

8:17CR28

ORDER

This matter is before the Court on its own motion.

On May 26, 2017, Defendant filed an interlocutory appeal of this Court's orders dated April 28, 2017 ([Filing No. 78](#)) and May 10, 2017 ([Filing No. 96](#)). Defendant's pro se Notice of Appeal and supporting affidavit do not set forth any jurisdictional basis for an interlocutory appeal. Defendant's pro se filing of this interlocutory appeal and the myriad of issues raised therein raise an issue as to whether further proceedings in this case, including hearings, rulings on motions, and the trial, should be stayed pending the outcome of the appeal. The Court will direct the parties to brief this issue and address whether this Court may proceed given the pendency of this interlocutory appeal.

Accordingly,

IT IS ORDERED:

1. By June 12, 2017, the parties shall file briefs addressing only the legal question of whether Defendant's filing of the interlocutory appeal divested this Court of jurisdiction until such time as the appeal is resolved by the Eighth Circuit Court of Appeals.

2. The hearing set in this case for June 1, 2017, is continued and will be rescheduled following a determination of this Court's jurisdiction.

Dated this 31st day of May, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge