

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ANTONIO FREEMAN )  
 )  
 v. ) NO. 3:11-0867  
 ) Consolidated with:  
 DEE DAVID GAY, et al. ) 3:11-1094

**ORDER**

By Order entered September 28, 2012 (Docket Entry No. 157), all claims in this action were dismissed except for the Plaintiff's constitutional claims under 42 U.S.C. § 1983 against Defendants Gregory Washburn and James Stinson in their individual capacities, which were STAYED until the conclusion of the current state criminal proceedings against the Plaintiff.

By Order entered October 29, 2012 (Docket Entry No. 160), the Court directed the parties to file a notice with the Court upon the resolution of the state criminal proceedings and directed the Defendants to file a status report, including the status of the relevant state proceedings, indicating whether any of the state charges have been resolved, and/or when further proceedings are scheduled.<sup>1</sup> Status reports filed by the Defendants indicate that the criminal proceedings against the Plaintiff are still ongoing, but that the Plaintiffs' motion for a new trial has been denied and the proceedings have reached the stage of appeal. See Docket Entry Nos. 189, 192, and 197.

Accordingly, the STAY in this action remains in effect. By March 3, 2014, the Defendants shall file a status report, including the status of the relevant state proceedings, the resolution of the

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<sup>1</sup> By Order entered November 26, 2012 (Docket Entry No. 182), the Court revised the Order of October 29, 2012, to correct a typographical error.

state charges, whether further proceedings are scheduled, and the status of any appeals that have been filed.

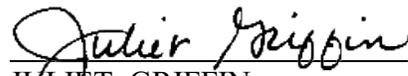
Pending on the docket in this action is the Plaintiff's motion to respond and opportunity to amend (Docket Entry No. 198). The motion was filed subsequent to the entry of the stay in the action, goes well beyond merely informing the Court of the status of the pending relevant state criminal proceedings, and addresses the merits of his underlying claims. Accordingly, the motion is DENIED.

Three other motions filed by the Plaintiff are currently pending in the action: motion for review (Docket Entry No. 164); motion to alter or amend judgment (Docket Entry No. 165), and amended motion for review (Docket Entry No. 172). Each of these motions seeks either review of an order entered by the Magistrate Judge or the amendment of an order entered by the District Judge. Accordingly, the motions are reserved for a ruling by the Honorable Kevin H. Sharp, the District Judge assigned to the action.

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

The Clerk is directed to mail a copy of this Order to the plaintiff by regular, first class mail (only).

So ORDERED.

  
JULIET GRIFFIN  
United States Magistrate Judge