

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MICHAEL MICELI

* CIVIL ACTION

* NUMBER: 09-8078

VERSUS

* SECTION: "A"

SHERIFF MARLIN GUSMAN,
ET AL

* JUDGE JAY ZAINEY

* MAG. #2: WILKINSON

* CIVIL RIGHTS

* UNDER 42 USC 1983 and 1988

* JURY TRIAL

**JOINT MOTION TO STAY CIVIL PROCEEDINGS PENDING DISPOSITION
OF RELATED CRIMINAL PROCEEDINGS WITH
MEMORANDUM IN SUPPORT THEREOF**

NOW COMES the Plaintiff and the Defendants, through their respective undersigned counsel, who jointly move this Court for an administrative stay of the proceedings in the above-captioned matter.

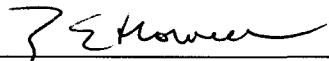
The Orleans Parish District Attorney's office is currently reviewing this matter for possible criminal charges.

Administrative policy, reflected in the Fifth Circuit jurisprudence, gives priority to the public interest in law enforcement, especially the effect civil discovery could have on a criminal proceeding. See Campbell v. Eastland, 307 F.2d 478 (5th Cir. 1962). Accordingly, this case should be stayed pending the final outcome of the pending criminal investigation.

All parties have consented to the granting of this motion for stay.

WHEREFORE, the parties jointly pray that this Motion be granted, and, accordingly, that the present civil action be administratively stayed until final disposition of the related criminal investigation and subsequent prosecution, if any.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the above and foregoing pleading has been served upon counsel of record, via electronic means in conformance with FRCP Rule 5, this

29th day of Sept, 2010.



Mary E. Howell

Miceli: MtStay.13Sept2010