

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JAMES STILE,)
)
 Plaintiff,)
)
 v.) 2:14-cv-00406-JAW
)
 CUMBERLAND COUNTY)
 SHERIFF, et al.,)
)
 Defendants.)

ORDER DENYING MOTION TO STAY

This motion is mired in a dense docket. On August 26, 2016, James Stile moved for a stay of proceedings. *Mot. for Stay of Proceedings* (ECF No. 157) (*Pl.’s Mot.*). Although Mr. Stile filed the motion to stay in this case, in the body of the motion, Mr. Stile, who also has a separate civil action pending against Somerset County, *Stile v. Somerset County*, No. 1:13-cv-00248-JAW (*Somerset Cnty*), refers to docket entries for the Somerset County case. *Id.* at 1. For example, Mr. Stile says he has had an interlocutory appeal pending in the Court of Appeals for the First Circuit since February 16, 2016, but then he concedes that he did not file an appeal in this case, only in the Somerset County case, “[i]n the interests of judicial economy and consideration of res judicata.” *Id.* at 2. In any event, Mr. Stile asks in this motion that this Court “stay all proceedings in this docketed case until a decision is rendered in the U.S.C.A. 16-1180.” *Id.* at 3.

There is an interlocutory appeal before the First Circuit Court of Appeals under docket number 16-1180, but it is in the Somerset County case, not the

Cumberland County case. *See Somerset Cnty* (ECF No. 325) (assigning *United States Court of Appeals* No. 16-1180 to ECF No. 319). This Court's docket number 319 is a notice of appeal from a February 1, 2016 Order of this Judge, denying an appeal from the decision of the Magistrate Judge in which the Magistrate Judge denied Mr. Stile's motion to disqualify counsel and his claim that defense counsel tampered with evidence. *Order Deny. Appeal of Magistrate Judge Decision* (ECF No. 315); *Appeal of Magistrate Judge Decision* (ECF No. 289); *Report of Tel. Conf. and Order* (ECF No. 226). This appeal remains pending at the First Circuit Court of Appeals.

In his motion dated August 26, 2016, Mr. Stile also mentions a pending motion to amend his complaint. *Pl.'s Mot.* at 3. On April 25, 2016, Mr. Stile moved to amend his complaint in this case. *Mot. for Leave to Amend Compl.* (ECF No. 105). Mr. Stile sought permission to amend the complaint to include as defendants: Attorneys Peter Marchesi, Cassandra Shaffer, and their law firm Wheeler & Arey, the United States Marshals Service, the Maine Criminal Justice Academy, the Maine County Commissioners Association Self-Funded Risk Management Pool, its Board of Directors John & Jane Doe, and Malcolm Ulmer. *Id.* at 3–4. On July 20, 2016, the Magistrate Judge denied the motion to amend. *Mem. of Decision on Mot. to Amend* (ECF No. 136). On August 12, 2016, Mr. Stile objected to the Magistrate Judge's memorandum of decision. *Pl.'s Objection to Magistrate Judge's Order Filed July 20, 2016 as ECF-136* (ECF No. 153). On August 29, 2016, this Court overruled Mr. Stile's objection to the Magistrate Judge's order on motion to amend. *Order Overruling Obj. to Order on Mot. to Amend the Magistrate Judge's Order* (ECF No. 162). On

September 6, 2016, Mr. Stile appealed the August 29, 2016 Order to the Court of Appeals for the First Circuit. *Notice of Appeal* (ECF No. 163).

The common thread among the motion to stay and the matters now pending before the United States Court of Appeals for the First Circuit in both the Cumberland and Somerset County cases is Mr. Stile's insistence that he has a right to implead these additional defendants and that until he obtains a final ruling from the appeals court, his pending lawsuit should be stayed. The Court disagrees. There is no reason to place discovery on hold while the interlocutory appeals are resolved. *See Order Den. Appeal of Magistrate Judge Decision* at 4–5 (quoting *Neelon v. Krueger*, 2015 U.S. Dist. LEXIS 24829, at *3 (D. Mass. Mar. 2, 2015) (quoting *Culebras Enters. Corp. v. Rivera-Rios*, 846 F.2d 94, 99–100 n.9 (1st Cir. 1988) (“[W]e do not believe that the Rule 3.7 bar against being an ‘advocate at a trial’ normally prohibits a witness-attorney from acting as counsel in pretrial discovery”).

In short, there is much that can and should be done while the Court of Appeals for the First Circuit acts on Mr. Stile's interlocutory appeals and no reason not to do it.

The Court DENIES James Stile's Motion for Stay of Proceedings (ECF No. 157).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 12th day of October, 2016