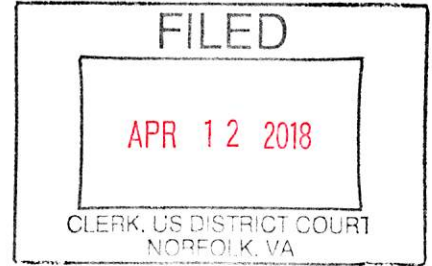


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



LATASHA HOLLOWAY,

Plaintiff,

v.

ACTION NO. 2:18cv69

CITY OF VIRGINIA BEACH, VIRGINIA,

Defendant.

ORDER

This matter is before the Court on *pro se* Plaintiff's Motion to Stay Proceedings Pending Appeal ("Motion to Stay"), ECF No. 10. For the reasons set forth below, Plaintiff's Motion to Stay, ECF No. 10, is **GRANTED**.

I. Background

In this action, Plaintiff claims that the at-large election system that is used to elect the members of the Virginia Beach City Council "unlawfully dilut[es] or minimiz[es] 'minority voting strength,'" and violates certain statutory and constitutional rights. Compl. at 2, ECF No. 5. On February 12, 2018, this Court entered an Order that, among other things, (i) granted Plaintiff's application to proceed *in forma pauperis*, (ii) directed the Clerk to file Plaintiff's Complaint and send waiver of service forms to Defendant, and (iii) denied Plaintiff's Motion for Appointment of Counsel "at this time without prejudice." Order, ECF No. 4. On February 15, 2018, Plaintiff appealed the Court's denial of her Motion for Appointment of Counsel to the United States Court of Appeals for the Fourth Circuit. Notice of Appeal, ECF No. 7. On February 16, 2018, Plaintiff filed a Motion to Stay in this Court. Mot. to Stay, ECF No. 10.

On February 23, 2018, the Court entered an Order that, among other things, deferred ruling on Plaintiff's Motion to Stay. Order at 1, ECF No. 11. After noting that "Plaintiff's lawsuit is in the earliest of stages," and that Defendant still had a significant amount of time to waive service and file a responsive pleading, the Court stated:

Because there is no need for Plaintiff to take any action in this matter until Defendant files its responsive pleading, Plaintiff's request to stay these proceedings pending the Fourth Circuit's review of this Court's denial of Plaintiff's Motion for Appointment of Counsel is premature. Accordingly, the Court will **DEFER** its ruling on Plaintiff's Motion to Stay until Defendant files its responsive pleading with the Court.


Id. at 4. Defendant filed its responsive pleading, a Motion to Dismiss, on April 10, 2018. Mot. to Dismiss, ECF No. 13. As such, it is now appropriate to address Plaintiff's Motion to Stay.

II. Plaintiff's Motion to Stay

Here, the Court finds that it is in the interests of justice to allow the Fourth Circuit to review Plaintiff's appeal before requiring Plaintiff to respond to Defendant's Motion to Dismiss. Accordingly, Plaintiff's Motion to Stay, ECF No. 10, is **GRANTED**, and this action is stayed pending the resolution of Plaintiff's appeal to the Fourth Circuit. Because this action is stayed at this time, the parties need not submit response or rebuttal briefs to Defendant's Motion to Dismiss, as otherwise directed by Rule 7(F) of the Local Rules of the United States District Court for the Eastern District of Virginia, at this time. After the stay is lifted, the Court will issue an Order providing further instruction regarding the applicable briefing schedule for Defendant's Motion to Dismiss.

The Clerk is **DIRECTED** to send a copy of this Order to Plaintiff and counsel for Defendant.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia

April 12th, 2018