IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUSSELL ROBINSON	:	**CIVIL ACTION**
Plaintiff,	:	
	:	
v.	:	**NO. 10-1184**
	:	
CHAD GRANT , Federal U.S. Marshall, and ROGER BOMENBLIT, Federal U.S. Marshall,	:	
Defendants.	:	

M E M O R A N D U M

DUBOIS, J. **MAY 12, 2010**

Plaintiff, a prisoner at the State Correctional Institution at Graterford, has filed a *pro se Bivens*[1] action against two United States Marshals. Plaintiff alleges, in essence, that he was the victim of an illegal search and seizure, and that he was falsely arrested by defendants. In his prayer for relief, he is requesting money damages.

The Court dismissed plaintiff's original Complaint by Memorandum and Order dated April 14, 2010, on the ground that it was insufficient in that plaintiff failed to adequately detail the status of his state criminal proceedings. On May 4, 2010, plaintiff filed an Amended Complaint in accordance with the April 14, 2010, Memorandum and Order. In the Amended Complaint, plaintiff sated that his criminal case is pending in the Pennsylvania Superior Court.

The question of the relief, if any, to which plaintiff is entitled, depends upon the outcome of his state criminal proceedings. Under the circumstances presented, with ongoing criminal proceedings in state court, plaintiff's civil rights case seeking compensatory damages, must be stayed pending the outcome of the state criminal proceedings. *See Williams v. Hepting*, 844 F.2d 138, 144-45 (3d Cir.), *cert. denied*, 488 U.S. 851 (1988).

An appropriate Order follows.

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[1]*In Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), the Supreme Court established a direct cause of action under the Constitution against federal officials for the violation of constitutional rights.

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Defendants.	:	

O R D E R

AND NOW, this 12th day of May, 2010, upon consideration of plaintiff's Amended Complaint, for the reasons stated in the attached Memorandum, **IT IS ORDERED** that:

1. All further proceedings in this case are **STAYED** until plaintiff 's criminal case, including all available appellate or collateral proceedings, in state court has been finally resolved;

2. The Clerk of Court shall **TRANSFER** this case to the Civil Suspense File and **MARK** the case **CLOSED FOR STATISTICAL PURPOSES**;

3. The Court shall **RETAIN** jurisdiction over the case and the case shall be **RETURNED** to the Court's active docket when there are no impediments to further proceedings and the case may proceed to final disposition;

4. The entry of this Order is **WITHOUT PREJUDICE** to the rights of the parties; and,

5. Plaintiff shall file and serve status reports at six (6) month intervals with respect to the status of his state criminal proceedings. One (1) copy of the status report shall be served on the Court (Chambers, Room 12613, 601 Market Street, Philadelphia, Pennsylvania 19106) when the original is filed.

BY THE COURT:

/s/ Jan E. DuBois, J.

JAN E. DUBOIS, J.