

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

GEORGIACARRY.ORG, INC. and
DAVID JAMES,

Plaintiff,

v.

CIVIL ACTION FILE
NO. 4:14-CV-0139-HLM

THE U.S. ARMY CORPS OF
ENGINEERS, and
JON J. CHYTKA, in his official
capacity as Commander, Mobile
District of the U.S. Army Corps of
Engineers,

Defendants.

ORDER

This case is before the Court on Plaintiffs' Unopposed Motion to Stay Pending Disposition of Appeal ("Motion to Stay") [26].

Plaintiffs have moved for an Order staying consideration of Defendants' pending Motion to Dismiss, as well as all other proceedings in this Court, until the United States Court of Appeals for the Eleventh Circuit disposes of Plaintiffs' pending appeal from

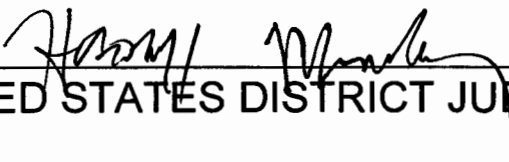
the Court's denial of Plaintiffs' Motion for Preliminary Injunction. (Mot. Stay (Docket Entry No. 26) at 1-2.) Plaintiffs indicate that their counsel "has consulted with Defendants' counsel, who has indicated that Defendants will not oppose this Motion." (Id. at 2.)

The Court finds that staying the proceedings in this action until the Eleventh Circuit disposes of Plaintiffs' pending appeal will conserve the resources of the Parties and the Court and will promote judicial economy. Rather than staying a ruling on the Motion to Dismiss, however, the Court will deny that Motion without prejudice. Defendants may re-file that Motion after the Eleventh Circuit issues a ruling on Plaintiffs' appeal and returns the case to this Court.

ACCORDINGLY, the Court **GRANTS** the Motion to Stay [26], and **STAYS** the proceedings in this case pending the Eleventh Circuit's ruling on Plaintiffs' appeal. The Court **DENIES WITHOUT PREJUDICE** Defendants' Motion to Dismiss for Failure to State a

Claim [25]. Defendants may re-file that Motion **WITHIN FOURTEEN (14) DAYS** after the Eleventh Circuit rules on Plaintiffs' appeal and returns the case to this Court.

IT IS SO ORDERED, this the ⁴27 day of August, 2014.


UNITED STATES DISTRICT JUDGE