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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BOARD OF COUNTY)
COMMISSIONERS OF FRANKLIN)
COUNTY, KANSAS,)

Plaintiff,)

vs.)

TERRY LEE ROBERTS, et al.,)

Defendants.)

Case No. 11-4063-JAR

ORDER

This case was originally filed by plaintiff Board of County Commissioners of Franklin, County, Kansas, in Franklin County, Kansas District Court and was removed by defendant Terry Lee Roberts on June 27, 2011 (Doc. 1). The Court reviewed defendant's notice of removal and found no basis for federal removal jurisdiction. The Court, therefore, remanded the case back to Franklin County District Court.

Defendant has filed a Notice of Appeal and moved for a stay of any and all proceedings pursuant to Fed. R. Civ. P. 62(a). That Rule provides as follows:

(a) Automatic Stay; Exceptions for Injunctions, Receiverships, and Patent Accountings. Except as stated in this rule, no execution may issue on a judgment, nor may proceedings be taken to enforce it, until 14 days have passed after its entry. But unless the court orders otherwise, the following are not stayed after being entered, even if an appeal is taken:

- (1) an interlocutory or final judgment in an action for an injunction or a receivership; or
- (2) a judgment or order that directs an accounting in an action for patent infringement.

No judgment has been entered in this matter; therefore, there are no proceedings to be stayed and Rule 62(a) does not apply.

IT IS THEREFORE ORDERED BY THE COURT that defendant's Motion to Stay Any and All Proceedings (Doc. 12) is denied as moot.

Dated: July 14, 2011

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE