

FILED: August 18, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1608
(1:18-cv-00461-SAG)

CLAYTON R. HULBERT, as personal representative of the Estate of Jeffrey W. Hulbert; KEVIN HULBERT; MARYLAND SHALL ISSUE, INC., for itself and its members

Plaintiffs - Appellees

v.

BRIAN T. POPE, Sgt.

Defendant - Appellant

and

MICHAEL WILSON, Colonel

Defendant

O R D E R

Defendant Brian Pope noted this appeal, on the grounds of qualified immunity, from the district court's order denying, in part, the defendants' motion for summary judgment. The appeal was noted during the pendency of Defendant Pope's motion for reconsideration of the order. After filing of the notice of appeal,

the district court entered an order staying its case pending the outcome of the appeal.

Defendant Pope has filed a motion to suspend briefing pending the district court's ruling on the motion for reconsideration. Plaintiffs-appellees have filed a response in opposition.

The court directs the parties to file memoranda addressing (1) whether this court has jurisdiction to proceed on appeal while the motion for reconsideration is pending in the district court; and (2) whether the district court has jurisdiction to rule on the motion for reconsideration while the appeal is pending in this court. The memoranda from appellant and appellees are due on or before September 1, 2021.

The briefing schedule is suspended pending disposition of Defendant Pope's motion for a suspension pending ruling on the motion to reconsider.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk