

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 95-31055

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JOHN W PATTON,

Plaintiff-Appellant,

versus

JEFFERSON CORRECTIONAL CENTER; ERNEST V  
RICHARDS, IV, Judge, Division B; KAREN MORGEN,  
Assistant District Attorney; PAT HAND, III,  
Assistant District Attorney; HARRY LEE,  
Sheriff, Jefferson Parish; SUSAN D RUSHING,  
Lieutenant Detective JPSO,

Defendants-Appellees.

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Appeal from the United States District Court  
For the Eastern District of Louisiana  
(95-CV-1220-A)

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January 13, 1997

Before HIGGINBOTHAM, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

We vacate the district court order adopting the magistrate's report and recommendation of an indefinite stay of Plaintiff John W. Patton's lawsuit. We remand the case for reconsideration in light of *Muhammed v. Warden, Baltimore City Jail*, 849 F.2d 107, 112-13 (4th Cir. 1988) (explaining that "indefinite stay should only be considered, if at all, as last resort" after all other

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\* Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

alternatives, such as securing prisoner's presence at trial and trial by deposition, have been rejected).

VACATED AND REMANDED.