

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**SHAUNDA CLARK, as Legal and  
Physical Custodian of S.A.W., a minor**

**Plaintiff,**

**V.**

**GRACIE S. TROUTMAN, et al.,**

**Defendants.**

**CIVIL ACTION NO. 5:22-cv-253 (MTT)**

## ORDER

In this 42 U.S.C. § 1983 action, Plaintiff Shaunda Clark, as legal and physical custodian of SAW, a minor, filed her second amended complaint against Defendants Clinton Perry, Tarmarshe Smith, Peter Eaddie, Gracie Troutman, Keldrick Brown, Takeita Clark, Gary Fuller, Willie Jackson, and Lucious Jones on January 30, 2023. Doc. 18. Clark contends the defendants violated decedent Bobby Edward Lee, Jr.'s Eighth Amendment rights, specifically that the defendants failed to protect Lee, who was strangled to death by his cellmate while incarcerated at Macon State Prison. *Id.* ¶¶ 2, 96-103. On April 3, 2023, Perry, Troutman, Brown, Clark, Fuller, Jackson, and Jones moved to dismiss, Smith and Eaddie answered, and all defendants moved to stay discovery pending resolution of the motion to dismiss. Docs. 26; 27; 28. The Court granted the defendants' motion to stay on April 10, 2023. Doc. 29.

But after a review of the defendants' motion to dismiss (Docs. 27; 27-1) and Clark's response (Doc. 31), the Court sees no reason why Clark's claims against Smith and Eaddie, neither of which are a party to the pending motion, should remain stayed.

Accordingly, the stay in this case (Doc. 29) is **LIFTED** as to Clark's claims against Smith and Eaddie, and those parties **SHALL** proceed with discovery.

**SO ORDERED**, this 3rd day of May, 2023.

S/ Marc T. Treadwell  
MARC T. TREADWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT