

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

JUL 10 2013 *ee*
7-10-13

THOMAS G BRUTON
CLERK, U S DISTRICT COURT

ANNABEL K. MELONGO,

Plaintiff,

V.

ROBERT PODLASEK Assistant State Attorney,
JULIE GUNNIGLE Assistant State Attorney,
KATE O'HARA (STAR NO. 423) Cook County Investigator,
JAMES DILLON (STAR NO. 1068) Cook County Sherriff,
ANTONIO RUBINO (STAR NO. 5043) Cook County Sherriff
Investigator, RICHARD LESIAK (STAR NO. 5000) Cook
County Sherriff Investigator, UNKNOWN COOK COUNTY
SHERIFF OFFICERS, Dr. MATTHEW S. MARKOS Director
Forensic Clinical Services, MARILYN FILISHIO Official
Court Reporters administrator, PAMELA TAYLOR Official
Court Reporter Assistant Administrator, LAUREL LAUDIN
Official Court Reporter, KYLE FRENCH Assistant Attorney
General, AMBER HAQQANI Computer Forensic Expert,
LISA MADIGAN Illinois Attorney General,
ANITA ALVAREZ Cook County State Attorney,
TOM DART Cook County Sherriff, COOK COUNTY,

Defendants.

1:13-cv-04924
Judge John F. Grady
Magistrate Judge Sheila M. Finnegan

JURY TRIAL DEMANDED

MOTION TO STAY PROCEEDINGS

Now Comes Annabel K. Melongo and moves this Court to stay all proceedings in the above captioned case for the following reasons:

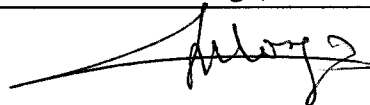
1. *People v. Melongo*, 10CR0809201, is currently pending at the Illinois Supreme Court on direct appeal, No. 114852.
2. *Washington v. Summerville*, 127 F.3d 552 at 556 (7th Cir. 1997) ruled that "a claim that, if successful, would necessarily imply the invalidity of a conviction on a pending criminal charge is not cognizable under § 1983". Thus indicating that if a Plaintiff's success or any of her claims would necessarily imply the invalidity of her pending prosecution, such claim cannot accrue "so long as the potential for a judgment in the pending criminal prosecution continues to exist." Id. At 556.

3. On the other hand, the Illinois Tort Immunity Act, 745 ILCS 10/8-101(a), put a statute of limitations of one year against local governments. Given that the statute of limitations in the present suit might run before the criminal case is completed, Plaintiff felt compelled to file a premature complaint.

WHEREFORE, Plaintiff respectfully asks this Court to stay the proceedings until the criminal prosecution of Plaintiff's eavesdropping case is complete.

Respectfully submitted,

By: Annabel K. Melongo, Pro Se.

A handwritten signature in black ink, appearing to read 'Melongo', written over a horizontal line.

Annabel K. Melongo

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Chicago, IL 60680

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