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

JOHN DOES 1-4 and JANE DOE,

Plaintiffs,

v.

LISA MADIGAN, Attorney General of the
State of Illinois, and LEO P. SCHMITZ,
Director of the Illinois State Police,

Defendants.

No. 16 CV 4847

Hon. Charles R. Norgle

ORDER

Defendants’ Motion to Dismiss Plaintiffs’ Complaint [23] is denied.

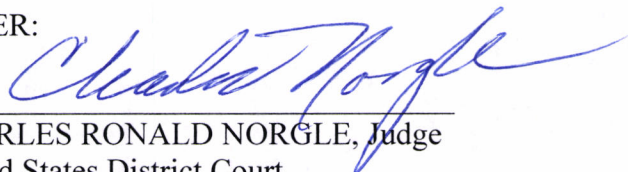
STATEMENT

Plaintiffs challenge the constitutionality of 720 Ill. Comp. Stat. 5/11-9.3, and 5/11-9.4-1 as void for vagueness and overbreadth under the First and Fourteenth Amendments. Defendants move to dismiss Plaintiffs’ claims pursuant to Fed. R. Civ. P. 12(b)(6). Given the pending cases of Packingham v. North Carolina, 137 S. Ct. 368 (2016), the Supreme Court granted *certiorari*—in a First Amendment challenge to a sex offender statute, and Illinois v. Pepitone, 2017 IL App (3d) 140627, where the Illinois Appellate Court found Section 9.4-1 facially unconstitutional. Given the pending cases, the Court finds that Plaintiffs’ challenge to the Illinois statute plausibly states a claim for relief. Therefore, Defendants’ motion is denied.

Because final decisions from the appellate courts in the aforementioned cases may determine the outcome of this litigation, the Court finds it prudent to stay all further action in this matter until the resolution of the above cases. Staying the case serves the interests of judicial economy by mitigating the potentially needless use of additional time and effort by the litigants, counsel, and the Court. Tex. Indep. Producers & Royalty Owners Assoc. v. EPA, 410 F.3d 964, 980 (7th Cir. 2005) (The Court’s power to issue a stay in a proceeding is “incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936)).

IT IS SO ORDERED.

ENTER:



CHARLES RONALD NORGLER, Judge
United States District Court

DATE: March 7, 2017