

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY HILL, *et al.*,

Plaintiffs,

v.

RICK SNYDER, *et al.*,

Defendants.

Case No. 10-14568

Hon. John Corbett O'Meara

**ORDER DENYING DEFENDANTS' MOTION FOR ENTRY OF FINAL
JUDGMENT OR FOR CERTIFICATION OF INTERLOCUTORY APPEAL**

Before the court is Defendants' motion for entry of final judgment or for certification of interlocutory appeal. The court has declared M.C.L. § 791.234(6) unconstitutional as applied to all juveniles in Michigan. The court has not, however, yet ruled upon what further relief is appropriate. Nonetheless, Defendants seek to immediately appeal and request that the court enter a final judgment pursuant to Fed. R. Civ. P. 54(b) or certify the appeal pursuant to 28 U.S.C. § 1292(b).

The court fails to see the benefit of an immediate, piecemeal appeal. To obtain permission to appeal pursuant to 28 U.S.C. § 1292(b), Defendants must show that: "(1) the question involved is one of law; (2) the question is controlling; (3) there is substantial ground for difference of opinion respecting the correctness of the district court's decision; and (4) an immediate appeal would materially advance the ultimate termination of the litigation." Vitols v. Citizens Banking Co., 984 F.2d 168, 170 (6th Cir. 1993). "Review under § 1292(b) should be sparingly granted and then only in exceptional cases." Id.

An immediate appeal – before the court has entered a final order determining what relief

is appropriate – is unlikely to materially advance the ultimate termination of this litigation and may result in the Sixth Circuit having to review this matter a second time. When a final order is entered and the record has been fully developed, the parties will have the opportunity to appeal in a way that presents all of the issues efficiently and keeping judicial economy in mind.

IT IS HEREBY ORDERED that Defendants’ motion for entry of final judgment or for certification of interlocutory appeal is DENIED.

s/John Corbett O’Meara
United States District Judge

Date: August 12, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 12, 2013, using the ECF system.

s/William Barkholz
Case Manager