

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Martinsburg**

**WEST VIRGINIA CITIZENS DEFENSE
LEAGUE, INC.**, a West Virginia municipal
corporation,

Plaintiff,

v.

Civil Action No. 3:11-CV-5
Judge Bailey

CITY OF MARTINSBURG, a West
Virginia municipal corporation, **GEORGE
KAROS**, personally and in his official
capacity as Mayor of the City of Martinsburg,
MARK S. BALDWIN, personally and in his official
capacity as City Manager of the City of Martinsburg,
and **KEVIN MILLER**, personally and in his official
capacity as Chief of Police of the City of Martinsburg,

Defendants.

ORDER

Pending before this Court are Plaintiff's Motion to Reconsider Order of Abstention (Doc. 33), Plaintiff's Motion to Strike Certain Insufficient Defenses or, in the Alternative, Test Certain Defenses in the Defendants' Answer (Doc. 35), Plaintiff's Motion for Preliminary Injunction (Doc. 37), Plaintiff's Motion to Certify Questions of Law (Doc. 39), Plaintiff's Motion to Permit Discovery (Doc. 40), and Plaintiff's Motion for Partial Summary Judgment (Doc. 41).

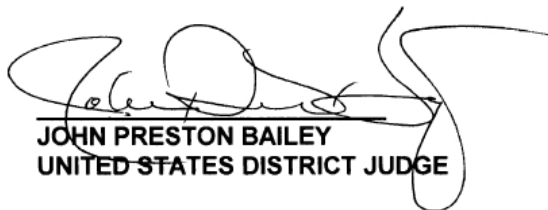
For the reasons stated in this Court's Order entered September 13, 2011 (Doc. 30) and in the Defendants' Response to Plaintiff's Motion to Reconsider [33] Amended Order of Abstention [30], this Court declines to reconsider its decision. Accordingly, the Plaintiff's Motion to Reconsider Order of Abstention (Doc. 33) is **DENIED**.

In light of the fact that this Court's order of abstention and stay remain in effect, Plaintiff's Motion to Strike Certain Insufficient Defenses or, in the Alternative, Test Certain Defenses in the Defendants' Answer (Doc. 35), Plaintiff's Motion for Preliminary Injunction (Doc. 37), Plaintiff's Motion to Certify Questions of Law (Doc. 39), Plaintiff's Motion to Permit Discovery (Doc. 40), and Plaintiff's Motion for Partial Summary Judgment (Doc. 41) are **DENIED WITHOUT PREJUDICE**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: October 24, 2011.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE