

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, ABERDEEN DIVISION

Li Zhang v. Mississippi State University and Mississippi Board of
Trustees of State Institutions of Higher Learning

Zhang · No. 1:23-cv-71-GHD-DAS · Decided January 22, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi denies Plaintiff Li Zhang’s motion to stay the case. The court holds that Defendants waived the discovery stay available under the local rule for an immunity defense, without waiving the Eleventh Amendment immunity defense itself, and notes that discovery was nearly complete.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Aberdeen Division
WRITING FOR THE COURT	David A. Sanders
JURISDICTION	United States District Court for the Northern District of Mississippi, Aberdeen Division
DECIDED	January 22, 2026
DOCKET	1:23-cv-71-GHD-DAS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to stay the case because Defendants had filed a motion for partial dismissal raising Eleventh Amendment immunity. The court considered the motion after full briefing and denied it.
PRECEDENTIAL VALUE	Unknown

TOPICS

- eleventh amendment immunity
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- constitutional law
- employment discrimination

QUESTIONS PRESENTED

1. Whether the case should be stayed because Defendants filed a motion for partial dismissal asserting Eleventh Amendment immunity.
2. Whether Defendants could waive the local-rule stay protecting an immune defendant from the burdens of discovery without waiving the underlying immunity defense.

HOLDINGS

1. The stay protecting a defendant from the burdens of litigation and discovery while an immunity motion is pending belongs to the defendant and may be waived by that defendant.
2. Defendants' waiver of the stay did not waive their underlying Eleventh Amendment immunity defense.
3. Plaintiff was not entitled to a stay because Defendants affirmatively waived the stay and a stay at that stage would not spare the parties the burdens of discovery, which had already been borne.

KEY QUOTATIONS

“Filing a motion . . . asserting an immunity defense . . . stays . . . all discovery, pending the court’s ruling on the motion, including any appeal.”

“Defendants affirmatively waive their right to a stay, and by doing so, do not waive the immunity defense itself.”

FACTUAL BACKGROUND

Defendants filed a motion for partial dismissal raising Eleventh Amendment immunity. Defendants did not request a stay under the applicable local rule and later unequivocally waived their right to a stay, while expressly asking the case to proceed. Discovery was scheduled to close the day after the court ruled on Plaintiff's motion.

PROCEDURAL HISTORY

Defendants filed a motion for partial dismissal asserting Eleventh Amendment immunity. Although the local rule provides for a stay of discovery upon the filing of an immunity motion, Defendants did not seek a stay and expressly waived their right to one while asking that the case proceed. Plaintiff then moved for a stay, which the court denied because Defendants waived the stay and discovery was scheduled to close the following day.

DISPOSITION

other

CASES CITED

- Backe v. LeBlanc, 691 F.3d 645, 648 (5th Cir. 2012)
- James v. Cleveland School Dist., 2020 WL 4370608, at *3-4 (N.D. Miss. July 30, 2020)