[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
FEB 14, 2012
JOHN LEY
CLERK

No. 11-13704
Non-Argument Calendar

D. C. Docket No. 5:10-cv-00055-CAR

DEMETRIUS GATLING,

Plaintiff-Appellee,

versus

SHANE ROLAND,
JESSIE MINCEY,

Defendants-Appellants,

RICHARD MARSHALL BOAN,

Defendant.

Appeal from the United States District Court
for the Middle District of Georgia

(February 14, 2012)

Before TJOFLAT, CARNES and WILSON, Circuit Judges.

PER CURIAM:

In this civil rights action brought under 42 U.S.C. § 1983, plaintiff Gatling claimed that appellants Roland and Mincey, officers of the Middle College of Georgia Police Department, searched his person and took him into custody without arguable probable cause in violation of his rights under the Fourth Amendment.[1] Following discovery, Roland and Mincey moved the district court for summary judgment on the ground of qualified immunity. The court denied their motion, concluding that the evidence, considered in the light most favorable to Gatling, established that the conduct Roland and Mincey engaged in violated clearly established Fourth Amendment rights of which a reasonable person would have known. *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S.Ct. 2727, 2738, 73 L.Ed.2d 396 (1982).

Roland and Mincey now appeal the district court's qualified immunity ruling. We affirm. The court correctly held that the evidence considered in the light most favorable to Gatling[2] demonstrated that Roland and Mincey's conduct violated clearly established Fourth Amendment rights.

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[1] The Fourth Amendment is applicable to the States under the Due Process Clause of the Fourteenth Amendment. *See Mapp v. Ohio*, 367 U.S. 643, 81 S.Ct. 1684 (1961).

[2] In considering the evidence in the light most favorable to Gatling, the district court properly eliminated, for summary judgment purposes, all factual disputes.

AFFIRMED.