

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

DARRELL SMEDLEY,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:09-cv-1061-MEF
)	
OFFICER TRIPP,)	
)	
Defendant.)	

DARRELL SMEDLEY,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:10-cv-0301-MEF
)	
CITY OF OZARK,)	
)	
Defendant.)	

DARRELL SMEDLEY,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:10-cv-0510-MEF
)	
CITY OF OZARK,)	(WO- DO NOT PUBLISH)
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

This cause is before the Court on Defendant Officer Tripp’s (“Officer Trip”) Motion to Dismiss (Doc. # 17), and Defendant City of Ozark’s (“the City”) Motion to Dismiss (Doc. #26). The Magistrate Judge issued a Report and Recommendation on

December 10, 2010 (Doc. # 49) recommending that both motions be granted. Plaintiff Darrell Smedley (“Smedley”) filed objections to the Report and Recommendation on December 20, 2010. (Doc. # 50). In accordance with Fed. R. Civ. P. 72, this Court has reviewed Smedley’s objection, the Magistrate Judge’s Recommendation, and the Defendants’ motions.

Because the parties submitted evidence in support of and in opposition to Officer Tripp and the City’s Motions to Dismiss pursuant to Rule 12(b)(6), the Magistrate Judge converted the motions to Motions for Summary Judgment pursuant to Rule 56. The parties were given plenty of time to submit additional evidentiary support for their positions. However, Smedley failed to demonstrate that a genuine dispute of fact would remain for trial. Therefore, it is hereby ORDERED that the Report and Recommendation of the Magistrate be ADOPTED.

DONE this the 19th day of January, 2011.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE