

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 16-15764

D.C. Docket No. 4:14-cv-00260-HLM

JUSTIN HAMMETT,
as Administrator of the Estate of Daniel
Hammett,

Plaintiff - Appellant,

versus

PAULDING COUNTY, GEORGIA,
CITY OF DALLAS, GEORGIA,
NATHALIE D. WHITENER,
in her individual capacity,
JOEY HORSLEY,
in his individual capacity,
JOSEPH MAYFIELD,
in his individual capacity,

Defendants - Appellees,

GARY GULLEDGE,
in his individual capacity and his
capacity as Sheriff of Paulding County,
Georgia, et al.,

Defendants.

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

Before JULIE CARNES AND BLACK, Circuit Judges, and WILLIAMS,* District Judge.

PER CURIAM:

The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure), the Petition(s) for Rehearing En Banc are DENIED.**

The opinion and decision in this case do not decide that physical evidence could never sufficiently contradict sworn, eyewitness, personal-knowledge testimony so as to justify a denial of summary judgment. The inferences that might be reasonably drawn from the pertinent physical evidence here, however, are insufficient to support plaintiff's theory about the shooting incident underlying this case. Plaintiff's theory projects too far past the limits of the evidence that he has actually presented.

ENTERED FOR THE COURT:



UNITED STATES CIRCUIT JUDGE

* Honorable Kathleen M. Williams, United States District Judge for the Southern District of Florida, sitting by designation.

** Judge Williams would grant the motion for panel rehearing.