

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

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No. 07-5207

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

THOMAS E. CARLSON, JR.,)

Plaintiff-Appellee,)

v.)

INVESTIGATOR DAVID BUNN,)
INVESTIGATOR TIMMY MEGGS,)

Defendants,)

SHERIFF RICKY LUNSFORD,)

Defendant-Appellant.)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE WESTERN
DISTRICT OF TENNESSEE

BEFORE: GILMAN and COOK, Circuit Judges; and COHN*, District Judge.

AVERN COHN, District Judge. This is a civil rights case brought under 42 U.S.C. § 1983. Plaintiff/Appellee Thomas Carlson sued Defendant/Appellant Ricky Lunsford, the Sheriff of Henderson County, Tennessee, claiming that Lunsford used excessive force in violation of the Fourth Amendment by firing his gun at Carlson's car during a police chase. The district court denied Lunsford's motion for summary judgment, holding that the gunshots amounted to a seizure for the purposes of Fourth Amendment analysis, that a genuine issue of material fact

*The Honorable Avern Cohn, United States District Judge for the Eastern District of Michigan, sitting by designation.

existed as to whether the use of deadly force was reasonable under the circumstances, and that Lunsford was not entitled to qualified immunity at the summary judgment stage.

The district court's opinion and order granting in part and denying in part the defendants' motion for summary judgment fully and accurately states the relevant law and correctly applies that law to the factual situation presented in this litigation. Because the reasons why Lunsford is not entitled to summary judgment on the excessive-force claim have been ably articulated by the district court, we conclude that the issuance of a full written opinion by this court would be duplicative and would serve no useful purpose. Accordingly, we **AFFIRM** the judgment of the district court, based upon the reasoning set out by that court in its opinion and order filed on February 8, 2007.