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

ARTHUR L. JENKINS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 3:11cv307-WHA
	)	
BRENT DAVIS,	)	
	)	
Defendant.	)	

ORDER

Upon an independent evaluation of this matter, including the Recommendation of the Magistrate Judge, the Objection of Deputy Brent Davis (Doc. #24), and the entire file, the court agrees that the *pro se* Complaint, together with Plaintiff's response, construed favorably to him, as the court is required to do, is sufficient to withstand the Motion to Dismiss and that the case should be allowed to proceed. Accordingly, the objection is hereby OVERRULED, the court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. Defendant's motion to dismiss the claims against him in his official capacity is GRANTED.

2. To the extent the Plaintiff asserts that the Defendant violated his Fourth Amendment rights to be free from unreasonable seizures, the Defendant's Motion to Dismiss is DENIED.

3. The Defendant's motion to dismiss the conspiracy claims is GRANTED.

4. The Defendant's motion to dismiss the state law claims of intentional infliction of emotional distress, negligence and false imprisonment is DENIED.

5. This case is referred back to the Magistrate Judge for further proceedings.

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DONE this 3rd day of October, 2011.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE