

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

GENE AUSTIN ROBASON

PLAINTIFF

v.

No. 2:10CV00037 JLH

MICHAEL THOMAS, individually and in his official capacity as a police officer for the City of Helena-West Helena, AR; JOHN BAILEY, individually and in his official capacity as a police officer for the City of Helena-West Helena, AR; and the CITY OF HELENA-WEST HELENA, ARKANSAS

DEFENDANTS

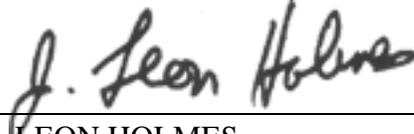
OPINION AND ORDER

For the reasons stated on the record during a telephone hearing today, the defendants' motion for summary judgment is granted in part. The motion is granted with respect to the plaintiff's claims against Michael Thomas and John Bailey for entering the premises of the plaintiff in violation of the Fourth Amendment and against the City of Helena-West Helena, Arkansas, for providing inadequate training with respect to entering homes in the circumstances that confronted the officers on the evening in question. The plaintiff's claim against Michael Thomas, individually, for use of excessive force is not dismissed, however. That claim will go to trial.

The defendants' motion in limine is denied. The plaintiff has stated that he does not intend to elicit information regarding Michael Thomas's termination and reinstatement in late 2010 from the Helena-West Helena Police Department, so the motion in limine is denied as moot on that issue. With respect to Form F4 regarding Thomas's separation from the Holly Grove Police Department, that document may be used for impeachment purposes if Thomas testifies contrary to the contents of that document.

For the reasons stated, the motion for summary judgment is granted in part and denied in part. Document #29. The motion in limine is denied. Document #57.

IT IS SO ORDERED this 13th day of October, 2011.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE