

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

JAMES SPEARS, JR

PLAINTIFF

v.

No. 2:14-cv-2-DPM

JEFFREY HUGHES, Sergeant, East Arkansas
Regional Unit; MITCHELL SPARKMAN, Corporal,
East Arkansas Regional Unit; RODNEY MERRELL,
Corporal, East Arkansas Regional Unit; RENAE
MAYO, Corporal, East Arkansas Regional Unit;
PINKIE HILL, Sergeant, East Arkansas Regional
Unit; and CHRISTOPHER SPEED, Corporal,
East Arkansas Regional Unit

DEFENDANTS

JUDGMENT

1. Before trial, the Court dismissed with prejudice Spears's claims against Sparkman, Merrell, Mayo, Hill, and Speed, pursuant to their settlement agreement. *No* 132.

2. In February 2016, Spears served Hughes with the summons, complaint, and amended complaint. *No* 140 & 143. Hughes didn't answer or file a Rule 12 motion. On Spears's motion, the Court therefore directed the Clerk to enter a Clerk's default. *No* 146 & 147. The Court set a damages trial and directed Spears to send a copy of the Order setting the trial to Hughes's last known address. *No* 147. Spears did. *No* 152.

3. Spears asked that the damages issues be tried to the bench. *No* 154 & 155. The Court convened the damages hearing on 27 February 2017. Hughes did not appear.

At the start of trial, to clarify the issues, the Court dismissed all Spears's claims against Hughes – except the excessive-force claim – without prejudice. For the reasons stated at the end of the trial, the Court found in favor of Spears on his excessive-force claim against Hughes and awarded compensatory damages of \$10,000 and punitive damages of \$5,000.

4. Spears's appointed lawyer is also entitled to a reasonable attorney's fee. 42 U.S.C. §§ 1988(b) & 1997e(d); FED. R. CIV. P. 54(d)(2). And Spears is entitled to costs, as allowed by law. FED. R. CIV. P. 54(d)(1). Any motion for fees and costs due by 17 March 2017.

5. James Spears, Jr., shall have judgment against Jeffrey Hughes for \$15,000, and this judgment shall bear interest at 0.81% per annum until paid in full. 28 U.S.C. § 1961 (a)-(b).

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

3 March 2017