

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

FELICIA LINELL,

*

*

Plaintiff,

*

*

vs.

* No. 5:05cv00129 SWW

*

*

*

*

CITY OF PINE BLUFF, a municipal corporation; DANIEL MOSES, Chief, Pine Bluff Police Department, in his official and individual capacities; OFFICER JOHN EUGENE "DUSTY" JONES, in his official and individual capacities,

*

*

*

*

*

*

Defendants.

*

ORDER

By Memorandum and Order entered December 20, 2006 [doc.#40], this Court granted summary judgment in favor of separate defendants, City of Pine Bluff, Daniel Moses, Chief of Police, in his official and individual capacities, and Officer John Eugene "Dusty" Jones, in his official capacity only. The Court entered judgment that same day dismissing this action. However, this Court did not address in its Memorandum and Order plaintiff's claims against Officer Jones in his individual capacity (there being no request that this Court do so) and, hence, should not have entered judgment dismissing this case. Accordingly, the Court grants plaintiff's motion for reconsideration [doc.#43] and hereby amends its Memorandum and Order to reflect that this action will proceed as to plaintiff's 42 U.S.C. § 1983 action against Officer Jones in his individual capacity and as to plaintiff's state-law claims against Officer Jones, but that summary judgment is granted on all other claims. In that respect, the Court vacates the judgment entered December 20, 2006 [doc.#41], and reinstates plaintiff's 42 U.S.C. § 1983 action against Officer

Jones in his individual capacity and reinstates plaintiff's state-law claims of tort of outrage, assault, battery, and false imprisonment as to Officer Jones. The Court reaffirms its Memorandum and Order in all other respects.

IT IS SO ORDERED this 21st day of December 2006.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE