

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DERROL DEE KIRBY, III

PLAINTIFF

v.

Civil No. 06-2168

JOHN ROTH, Ex-Chief of Police, Barling, Arkansas
Police Department; LARRY MERRILL, next in charge
under Police Chief, Barling Police Department;
CITY OF BARLING; KEVIN DOUGAN,
Barling Police Department Patrolman; JOHN
BARBOR, Barling Police Department Patrolman

DEFENDANTS

JUDGMENT

This action came to trial before the Court. The issues have been tried and a decision has been rendered. For the reasons stated in the memorandum opinion of this date, the Court finds that the Plaintiff recover \$167.42 against Defendants Roth, Barbor, Merrill, and Dougan in their individual capacities, and that Plaintiff recover nothing on his claim against the Defendants on his claim of denial of medical care.

Further, it is found that judgment be entered in Plaintiff's favor regarding his claim of unconstitutional Taser policies by the City of Barling, and that the City of Barling be given until and including December 15, 2010, to file revised policies with the Court regarding its Taser policy and the use of force continuum.

IT IS SO ORDERED this 9th day of November 2010.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE