



issue of whether the officers were entitled to qualified immunity and thus the issue needs to be addressed before the case can proceed to trial. The fatal flaw with Defendants' argument is that the court of appeals, in the last sentence of the majority opinion, specifically remanded the claims against the remaining 6 defendants FOR TRIAL. Defendants set forth arguments that are more appropriately made before the Supreme Court in a petition for review of the court of appeals' decision. Because this Court is bound by the court of appeals' remand decision and the findings therein, Defendants' renewed motion for summary judgment is DENIED.

**SO ORDERED this 19<sup>th</sup> day of April, 2007.**

**S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE**