

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**CHRISTA DONNELL GRAHAM,**

Plaintiff,

v.

**Mayor L.E. GODWIN,  
Chief of Police LYNWOOD YATES,  
Sergeant NOEL COOK, and  
Officer SAM FLEMING,**

Defendants.

Civil Action 7:10-CV-56 (HL)

**ORDER**

The Recommendation (Doc. 33) of United States Magistrate Judge Thomas Q. Langstaff, entered August 8, 2011, is before the Court. The Magistrate Judge recommends that Plaintiff's Motions for Summary Judgment (Docs. 20 and 28) be denied.

Plaintiff has filed an objection to the Recommendation. The Court has made a *de novo* review of the Recommendation. After careful consideration, the Court agrees with the Magistrate Judge that genuine issues of material fact remain on the question of whether there was probable cause to arrest Plaintiff on December 26, 2006.

The Court accepts and adopts the Magistrate Judge's Recommendation (Doc. 33). Plaintiff's Motions for Summary Judgment (Docs. 20 and 28) are denied. This case will be tried beginning on October 11, 2011. The pretrial

conference will be held on September 27, 2011. Additional information regarding the pretrial conference and trial term will be provided to the parties in the very near future.

Plaintiff has also filed what has been docketed as a Motion for Writ of Mandamus (Doc. 35) to the Eleventh Circuit. In his petition, Plaintiff requests that the Eleventh Circuit issue a writ of mandamus directing this Court to grant his Motions for Summary Judgment. To the extent Plaintiff is seeking any relief from this Court, his Motion is denied.

**SO ORDERED**, this the 30th day of August, 2011.

**s/ Hugh Lawson**  
**HUGH LAWSON, SENIOR JUDGE**

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