

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KENNETH WRIGHT,

Plaintiff,

v.

EAST POINT POLICE
DEPARTMENT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:12-CV-2063-TWT

ORDER

This is a pro se civil rights action. It is before the Court on the Report and Recommendation [Doc. 7] of the Magistrate Judge recommending dismissing the action for failure to state a claim. While on patrol, City of East Point police officers saw the Plaintiff walking down a street carrying a vacuum cleaner. They stopped and attempted to question him. He dropped the vacuum cleaner and ran. The police gave chase, but the Plaintiff got away. He was later arrested for theft by receiving stolen property. As set forth in the Report and Recommendation, the Plaintiff's Fourth Amendment claims fail because he was able to out run the police. Thus, there was no seizure of the Plaintiff. The police had arguable probable cause to later arrest him. Therefore, they are entitled to qualified immunity as to his false arrest claim. The

Court approves and adopts the Report and Recommendation as the judgment of the Court. This action is DISMISSED.

SO ORDERED, this 22 day of April, 2013.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge