

# In the United States District Court for the Southern District of Georgia Brunswick Division

FILED  
Scott L. Poff, Clerk  
United States District Court  
By casbell at 4:13 pm, Jun 27, 2017

GARY TYRE, individually;  
SAMANTHA JACOBS, as  
Administrator of the Estate of  
JERROD WEBSTER TYRE; and YVONNE  
GILDER, individually;

Plaintiffs,

CV 216-110

v.

SHERIFF JOHN CARTER, in his  
individual capacity; ROBERT  
BRANTLEY, JR., in his  
individual capacity; and JOHN  
DOES 1-3, in their individual  
capacities;

Defendants.

## ORDER

The Court previously reserved ruling on the issue of Official Immunity as to Defendant Robert Brantley, Jr. in order to allow the parties to clarify their respective positions regarding that claim. Dkt. No. 20. The parties have now done so. Dkt. Nos. 21, 22. Upon review, Defendants' Partial Motion to Dismiss (Dkt. No. 13) will be **GRANTED** in its entirety. Specifically, Plaintiff Samantha Jacobs has confirmed that she intends to pursue state law tort claims against Deputy Brantley

in his official capacity, and these claims will be dismissed. Dkt. No. 22. These claims must be dismissed because under Georgia law, governmental employees who are sued in their individual capacities for discretionary acts performed within the scope of their employment are entitled to official immunity. Ga. Const. art. I, § II, para. IX(d); Gilbert v. Richardson, 452 S.E.2d 476 (Ga. 1994); Brown v. Taylor, 596 S.E.2d 403 (Ga. Ct. App. 2004); Standard v. Hobbs, 589 S.E.2d 634 (Ga. Ct. App. 2003). Here, Deputy Brantley's actions were discretionary and performed within the scope of his employment as a law enforcement official. Plaintiffs have alleged no facts which would allow a plausible inference that Deputy Brantley acted outside of his role as a law enforcement officer. As such, Deputy Brantley is entitled to dismissal on all state law claims.

**SO ORDERED**, this 27th day of June, 2017.



HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA