

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JESSIE NOBLES

CIVIL ACTION

VERSUS

NO. 11-311-JJB

TOWN OF KILLIAN, ET AL.

**RULING AND ORDER**

This matter is before the court on the motion (doc. 17) of defendant, Officer Shannon Mack, for summary judgment. The motion is opposed. There is no need for oral argument.

The main contention in support of the motion for summary judgment is that there is no genuine issue of material fact that plaintiff “aggressively lunged at Officer Mack” providing probable cause for arresting plaintiff for assault.<sup>1</sup> The opposition shows that this fact is in dispute. In reply, defendant argues that the deposition evidence is less than clear on this point. This does not render summary judgment appropriate.

As to the claim of Intentional Infliction of Emotional Distress, defendant properly argues that plaintiff must establish truly outrageous conduct to prevail on such a claim. In response, plaintiff merely contends that he was “publicly humiliated in front of his family, neighbors, and friends” and that the false arrest “has left an indelible mark upon the family’s emotional well-being.” This response falls far short under the well established case law.

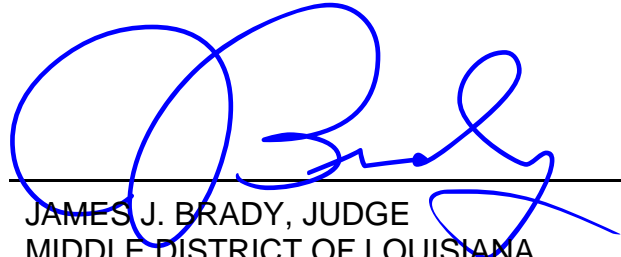
Accordingly, the motion (doc. 17) for summary judgment is GRANTED as the claim

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<sup>1</sup> Counsel for defendant states in passing that Officer Mack “had a valid warrant for arrest” for “outstanding tickets.” While the articulated grounds for arrest were assault, there is no Fourth Amendment violation as long as there was probable cause to arrest for *some* crime. *Devenpeck v. Alford*, 543 U.S. 146, 153-54 (2004). As defendant does not attempt to validate the arrest based upon any crime other than assault, the court refrains from further consideration of this point.

for Intentional Infliction of Emotional Distress and DENIED in all other respects.

Baton Rouge, Louisiana, July 16, 2012.



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JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA