

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARMITA LEWIS, as
personal representative of the Estate
of Dominique Lewis,

Plaintiff,

vs.

Case No. 15-11430

CHARTER TOWNSHIP OF FLINT,
FLINT POLICE OFFICER
MATTHEW NEEDHAM,

HON. AVERN COHN

Defendants.

**ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (Doc. 14)
AND DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT (Doc. 34)**

This is a case under 42 U.S.C. § 1983 involving a fatal police shooting. Plaintiff Carmita Lewis, as personal representative of the Estate of Dominique Lewis, is suing the Charter Township of Flint and Flint Police Officer Matthew Needham.

Defendants took an appeal to the Court of Appeals for the Sixth Circuit from the Court's qualified immunity decision. Proceedings were stayed by the Sixth Circuit pending appeal. Lewis v. Charter Twp. of Flint, No. 15-1908 (Jan. 4, 2016).

The Sixth Circuit affirmed the Court and held that based on the video alone, Needham is not entitled to qualified immunity. Lewis v. Charter Twp. of Flint, No. 15-1908 (6th Cir. Aug. 22, 2016).

The following motions are pending:

1. Defendants' motion for summary judgment (Doc. 14)

2. Defendants' second motion for summary judgment (Doc. 34)¹

Both motions argue that Needham is entitled to qualified immunity based on the video.

In light of the Sixth Circuit's decision, defendants' summary judgment motions are DENIED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 17, 2016
Detroit, Michigan

¹Also pending is Plaintiff's motion to compel (Doc. 41).