

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

BERNARD PRICE,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:08CV262-P-S

TUNICA COUNTY, MISSISSIPPI,

DEFENDANT.

ORDER

This matter comes before the court upon the defendants' March 3, 2010 motion for summary judgment [53]. After due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

It is undisputed that the plaintiff received no medical care during his twenty-three days of incarceration at the Tunica County Jail. Viewed in a light most favorable to the plaintiff, the court assumes for the purpose of this motion that the plaintiff injured his ankle after he received his initial medical screening and that he was not allowed to seek medical attention for his ankle until he was released, whereupon the plaintiff himself sought treatment.

The standard cited by the defendant presumes delayed medical treatment, not total denial of treatment. Therefore, the defendant has not shown as a matter of law that the substantial harm standard applies in denial of treatment cases.

Accordingly, there are genuine issues of material fact warranting trial of this matter – *e.g.*, whether the plaintiff injured his ankle after the medical screening, the extent of recoverable damages, etc.

IT IS THEREFORE ORDERED AND ADJUDGED that the defendants' March 3, 2010 motion for summary judgment [53] is **DENIED**.

SO ORDERED this the 2nd day of September, A.D., 2010.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE