

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JONATHAN RASHAD ROSS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:10cv296-FKB

ERIC SCOTT AND TANAKA PETTIS

DEFENDANTS

ORDER

This cause is before the Court on Defendants' motion for reconsideration of the Court's order denying summary judgment. The Court finds that there is no basis for reconsideration of the order. As previously explained, Plaintiff has come forward with evidence that Defendant Scott sprayed him with a chemical agent without provocation and that Defendant Pettis hit him in the face with a closed fist, again without provocation. According to Plaintiff, when he attempted to escape, these officers assaulted him, with Defendant Pettis continuing to strike him even after he was handcuffed. This evidence, if true, would clearly be sufficient to establish all of the elements of an excessive force claim under the Fourteenth Amendment and to overcome Defendants' qualified immunity defense. For this reason, the motion is denied.

So ordered, this the 24th day of October, 2012.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE