

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

IKECHUKWU HYGINUS OKORIE, M.D.

PLAINTIFF

V.

CAUSE NO. 3:17-CV-537-CWR-FKB

VIRGINIA M. CRAWFORD, M.D., ET AL.

DEFENDANTS

ORDER

On February 27, 2018, this Court dismissed all claims except for Plaintiff Dr. Ikechukwu Okorie's Fourth Amendment false arrest claim against Board investigators Jonathon Dalton and Leslie Ross, in their individual capacities. Defendants have asserted the affirmative defense of qualified immunity. Docket No. 6 at 2.

The immunity process imposes an additional pleading requirement on the plaintiff. "When a public official pleads the affirmative defense of qualified immunity in his answer, the district court may, on the official's motion or on its own, require the plaintiff to reply to that defense in detail. By definition, the reply must be tailored to the assertion of qualified immunity and fairly engage its allegations." *Schultea v. Wood*, 47 F.3d 1427, 1433 (5th Cir. 1995) (en banc). The plaintiff's reply brief is called a 'Rule 7 reply.' *Id.* The more specific the defendant's invocation of qualified immunity is, the more specific the plaintiff's Rule 7 reply must be. *Id.*

Here, Dalton and Ross have requested a Rule 7 reply. Docket No. 29. The Court finds that greater detail would assist the Court and the parties. Dr. Okorie is directed to file a brief stating, with as much specificity as he can provide, what each individual did to him, and why those facts show a constitutional violation.

The outlines of Dr. Okorie's claims against Dalton and Ross are present in the complaint: during the October 29, 2014 search of Inland Family Practice Center, Dalton and Ross executed

an Administrative Inspection and Search Warrant and allegedly arrested Dr. Okorie for several hours without probable cause. Defendants' pleading of qualified immunity is rather general and does not shed much light on the issue. But Dr. Okorie still should attempt to set forth additional facts about what happened before and during the arrest, how Defendants were involved, and how their conduct violated his constitutional rights.

Dr. Okorie's Rule 7 reply shall be filed with the Clerk of Court within 14 days. After receiving the Rule 7 reply, Defendants will have 21 days to file a motion for judgment on the pleadings on the basis of qualified immunity. E.g., *Rivera v. Kalafut*, 456 F. App'x 325, 328 (5th Cir. 2011) (unpublished).

SO ORDERED, this the 7th day of March, 2018.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE