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

ERNEST MONTGOMERY **PLAINTIFF**

V. **CIVIL ACTION NO. 5:11cv00004-DCB-JMR**

WARREN COUNTY, DEPUTIES BILLY HIGGINS,
MICHAEL HOLLINGSWORTH AND CHRIS SATCHER,
IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES **DEFENDANTS**

ORDER FOR EVIDENTIARY HEARING

Currently before the Court is the Defendants' Motion for Qualified Immunity [docket entry no. 8]. Upon consideration of said Motion, the Court has determined that there are insufficient facts in the record for it to decide whether the Defendants are entitled to qualified immunity, and accordingly, the Court will hold an evidentiary hearing regarding this issue at the United States Courthouse in Natchez, MS on November 14th, 2011 at 10:00 a.m. At the hearing, the Parties should be prepared to present testimony and other evidence concerning the incident that gave rise to the Plaintiff's claims.

SO ORDERED AND ADJUDGED, this the 26th day of October, 2011.

/s/ David Bramlette

UNITED STATES DISTRICT JUDGE

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