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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. 5:11-cv-00004-DCB-JMR

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

ORDER CANCELLING THE NOVEMBER 30, 2011 HEARING

This cause is before the Court on the Defendants' objection to this Court's October 26th, 2011 Order [docket entry no. 19] setting an evidentiary hearing regarding their Motion for Qualified Immunity [docket entry no. 8]. In their Motion, the Defendants object to the Court's decision, stating "[b]y conducting a hearing before this Court, these Defendants are subjected to the very circumstance which qualified immunity attempts to avoid, and that is the burden of litigation." See docket entry no. 19. The Court's earlier Order was rendered under the mistaken impression that discovery had been conducted in this case. Upon reconsideration, the Court agrees that an evidentiary hearing is premature at this time. Accordingly, the hearing is cancelled. A decision regarding the Defendants' Motion for Qualified Immunity [docket entry no. 8] will be forthcoming.

SO ORDERED AND ADJUDGED, this the _17th_ day of November 2011.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE

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