

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTHONY BAILEY,)
Plaintiff,)
vs.)
CITY OF NORTH LAS VEGAS)
POLICE DEPARTMENT, STATE OF)
NEVADA, OFFICER WINFIELD)
#2244, OFFICER SAM ENRIQUEZ)
#1560,)
Defendants.)

2:10-CV-01398-PMP-LRL

ORDER

Before the Court for consideration is Defendants' Motion for Summary Judgment of Officer Kenneth Winfield and Officer Sam Enriquez (Doc. #65) filed April 5, 2011. The motion is fully briefed and the Court finds that Defendants Winfield and Enriquez are entitled to the relief requested.

Specifically, the undisputed facts presented in the record in this case demonstrate clearly that Defendant Officers Winfield and Enriquez acted constitutionally throughout the incident giving rise to this action. Additionally, Defendant Officers Winfield and Enriquez are entitled to qualified immunity thereby insulating them from liability for damages because their conduct did not violate clearly established statutory or constitutional rights of the Plaintiff. Pearson v. Callahan, 129 S.Ct. 808, 815 (U.S. 2009). Moreover, for the reasons set forth in Defendants motion, Defendant Officers Winfield and Enriquez are entitled to

1 discretionary immunity with respect to Plaintiff's state law claims.

2 **IT IS THEREFORE ORDERED** that Defendants' Motion for Summary
3 Judgment of Officer Kenneth Winfield and Officer Sam Enriquez (Doc. #65) is
4 **GRANTED.**

5 **IT IS FURTHER ORDERED** that judgment shall forthwith be entered
6 by the Clerk of Court in favor of Defendants' Officer Kenneth Winfield and Officer
7 Sam Enriquez and against Plaintiff Anthony Bailey.

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9 DATED: April 28, 2011.

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12 PHILIP M. PRO
13 United States District Judge