

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALFONSO HERNANDEZ,

Plaintiff,

vs.

Civ. No. 14-964 KG/SCY

CITY OF ALBUQUERQUE, et al.,

Defendants.

ORDER GRANTING DEFENDANT AKEEM POWDRELL'S
MOTION FOR SUMMARY JUDGMENT

This matter is before the Court on Defendant Powdrell's Motion for Summary Judgment and Memorandum in Support Thereof, filed June 19, 2015. (Doc. 49).

IT IS ORDERED that

1. Defendant Powdrell's Motion for Summary Judgment (Doc. 49) is granted;
2. Summary judgment will be entered in favor of Defendants Fitzgerald and Powdrell on Counts III, IV, and V of the Complaint;
3. Summary judgment will be entered in favor of Defendant Powdrell on the Fourth Amendment excessive force claim in Count VII of the Complaint;
4. Summary judgment will be entered in favor of Defendant Powdrell on the Fourth Amendment false arrest and/or false imprisonment claim in Count VIII of the Complaint;
5. Count III: Assault under the New Mexico Tort Claims Act is dismissed in its entirety with prejudice;
6. Count IV: Battery under the New Mexico Tort Claims Act is dismissed in its entirety with prejudice;
7. Count V: False Arrest and/or False Imprisonment under the New Mexico Tort

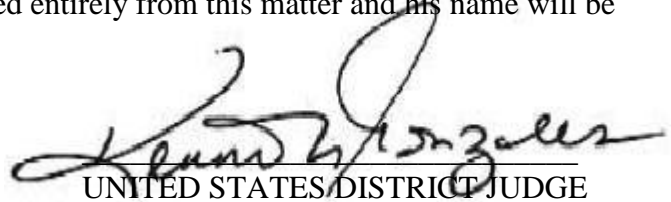
Claims Act is dismissed in its entirety with prejudice;

8. Count VII: Deprivation of Civil Rights under 42 U.S.C. Section 1983 – (Fourth Amendment) Excessive Force, Unreasonable and/or Unlawful Use of Force is dismissed as to Defendant Powdrell with prejudice;

9. Count VIII: Deprivation of Civil Rights under 42 U.S.C. Section 1983 – (Fourth Amendment) False Arrest/False Imprisonment is dismissed as to Defendant Powdrell with prejudice; and

10. Count VIII: Deprivation of Civil Rights under 42 U.S.C. Section 1983 – (Fourteenth Amendment) False Arrest/False Imprisonment is dismissed in its entirety without prejudice; and

11. Defendant Powdrell is dismissed entirely from this matter and his name will be stricken from the caption of this case.



UNITED STATES DISTRICT JUDGE