

United States District Court
EASTERN DISTRICT OF NORTH CAROLINA

MARION ELIJAH ROBERTS,)
Plaintiff,)

v.)

JUDGMENT IN A CIVIL CASE
CASE NO. 4:09-CV-207-F

KINSTON DEPARTMENT OF PUBLIC SAFETY,)
and OFFICERS J.M. GWARTNEY, C.K. BARNES,)
TIM DILDAY, R.G. RUSSELL, D.G. GREEN;)
LENIOR COUNTY SHERIFF'S DEPARTMENT)
SHERIFF WILLIAM E. SMITH and Deputies)
SHAWN HOWARD, C. HOLLAND, EDDIE)
EUBANKS, M. MANNING, JOVANNI)
VILLAGRA, H.C. KEEL, C. JENKINS and other)
unknown unidentified officers,)
Defendants.)

Decision by Court.

IT IS ORDERED AND ADJUDGED that the pursuant to the court's order entered on February 11, 2010, the defendants Motion to Dismiss is ALLOWED, and all claims against defendants Kinston, NC Department of Public Safety, Lenior County Sheriff's Department, Sheriff William E. Smith, Deputy Sheriffs Eddie Eubanks, Michael Manning, Giovanni Villagra, H.C. Keel and Chris Jenkins are DISMISSED.

IT IS FURTHER ORDERED that the motion for summary judgment is ALLOWED and the Clerk of Court is DIRECTED to enter judgment in favor of Defendants J.M. Gwartney, C.K. Barnes, Tim Dilday, R. G. Russell and D.G. Green. The Clerk of Court is DIRECTED to close this case.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **March 11, 2011**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

- Jeffrey B. Foster (via CM/ECF Notice of Electronic Filing)
- Scott C. Hart (via CM/ECF Notice of Electronic Filing)
- David Adam Coleman (via CM/ECF Notice of Electronic Filing)

March 11, 2011
Date

DENNIS P. IAVARONE
Clerk of Court
/s/ Susan K. Edwards
Wilmington, North Carolina (By)
Deputy Clerk