

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

KEITH OTIS DUNN, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DONALD MOSLEY, Officer, Rocky )  
 Mount Police Department, individually )  
 and in his official capacity; and CITY )  
 OF ROCKY MOUNT, NORTH )  
 NORTH CAROLINA, ROCKY MOUNT )  
 POLICE DEPARTMENT, )  
 )  
 Defendants. )

**JUDGMENT**

No. 4:10-CV-28-FL

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, Chief United States District Judge, for consideration of defendants’ motion for summary judgment.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court’s order entered June 16, 2011, that defendant Moseley is entitled to qualified immunity and public officer’s immunity, the City defendant is entitled to governmental immunity and that plaintiff has failed to put forward evidence substantiating his § 1983 or intentional tort claims. Defendants’ motion for summary judgment is GRANTED. The plaintiff shall have and recover nothing from this action.

**This Judgment Filed and Entered on June 20, 2011, and Copies To:**

Brian K. McDaniel (via CM/ECF Notice of Electronic Filing)  
Thomas Franklin Loflin, III (via CM/ECF Notice of Electronic Filing)  
J. Nicholas Ellis (via CM/ECF Notice of Electronic Filing)

June 20, 2011

DENNIS P. IAVARONE, CLERK  
/s/ Christa N. Baker  
(By) Christa N. Baker, Deputy Clerk