

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

THOMAS EVERETTE, JR.,)
)
)
 Plaintiff,)
)
 v.)
)
 JESSE VANN WHITE, in his individual)
 and official capacity; WHITE’S)
 WRECKING SERVICE, INC.;)
 WILLIAM ANTHONY BARNES in his)
 individual and official capacity;)
 PRINCEVILLE POLICE DEPARTMENT;)
 TOWN OF PRINCEVILLE; DIANA LEE)
 DRAUGHN in her individual capacity; and)
 DONYELL WEAVER,)
)
 Defendants.)

JUDGMENT

No. 4:14-CV-34-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of plaintiff’s motion for summary judgment, the magistrate judge’s memorandum and recommendation, defendants’ motions to dismiss, plaintiff’s motion for summary judgment against defendant William Anthony Barnes, on its consideration of summary judgment in favor of defendants based upon the record presented and plaintiff’s motion for entry of default against defendant Diana Lee Draughn.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court’s orders entered February 26, 2015, May 26, 2015 and June 26, 2017, and for the reasons set forth more specifically therein, that

- Plaintiff’s motions for summary judgment are denied;
- The court adopts the recommendation of the magistrate judge;
- Defendants Jesse Vann White and White’s Wrecking Service Inc.’s motions to dismiss are granted;
- Defendants Princeville Police Department, Town of Princeville and William Anthony Barnes’ (in his official capacity), motions to dismiss are granted;
- Defendant Donyell Weaver’s motion to dismiss is granted;
- Defendant William Anthony Barnes’ (in his individual capacity) motion to dismiss is denied;
- Plaintiff’s motion for summary judgment against defendant William Anthony Barnes is denied;

- The court on its own initiative grants summary judgment in favor of defendants William Anthony Barnes, in his individual capacity, and Diana Lee Draugh, in her individual capacity; and,
- Plaintiff's motion for entry of default as to defendant Diana Lee Draughn is denied as moot

This Judgment Filed and Entered on May 24, 2017, and Copies To:

Paul K. Sun, Jr. (via CM/ECF Notice of Electronic Filing)
Matthew W. Buckmiller (via CM/ECF Notice of Electronic Filing)
Nathan Andrew Huff (via CM/ECF Notice of Electronic Filing)
Kevin Michael O'Brien (via CM/ECF Notice of Electronic Filing)
Dan McCord Hartzog, Jr. (via CM/ECF Notice of Electronic Filing)
Scott C. Hart (via CM/ECF Notice of Electronic Filing)
William Anthony Barnes (via U.S. Mail)

June 26, 2017

PETER A. MOORE, JR., CLERK

/s/ Susan W. Tripp
(By) Susan W. Tripp, Deputy Clerk