

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL CASE NO. 1:10cv264

MAX BAILEY; MARGARET DALTON; )  
CASEY JOE HUNTLEY, as personal )  
representative of the Estate of CARLTON BILL )  
HUNTLEY, deceased; K.C., by his mother and )  
next friend, Margaret Dalton; A.D., by her )  
grandmother and next friend, Margaret Dalton; )  
and STEVE MARLOWE, )

Plaintiffs, )

vs. )

POLK COUNTY, NORTH CAROLINA; POLK )  
COUNTY SHERIFF'S DEPARTMENT; MATT )  
PRINCE; TRENT CARSWELL; CHRIS ABRIL; )  
CHARLES GRADY SHEHAN; UNKNOWN )  
POLICE OFFICERS; and OTHER UNKNOWN )  
STATE AND FEDERAL LAW ENFORCEMENT )  
AGENCIES, )

Defendants. )

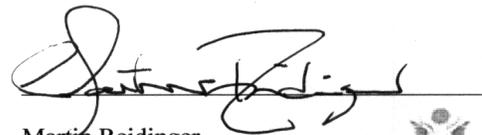
J U D G M E N T

For the reasons stated in the Memorandum of Decision and Order entered contemporaneously herewith,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Plaintiffs' Motion for Reconsideration of Memorandum of Decision and Order Denying Plaintiffs' Motion for Leave to Amend Complaint [Doc. 36] is **DENIED**;

Plaintiff Huntley's claims for false arrest under 42 U.S.C. § 1983 and for false arrest and imprisonment under North Carolina law are **ABATED**; Plaintiff Huntley's remaining state law claims for assault, battery, and intentional infliction of emotional distress are **DISMISSED WITHOUT PREJUDICE**; and Plaintiffs' Motion for Entry of Default against Defendant Charles Grady Shehan [Doc. 39] is **DENIED AS MOOT**, and all claims against Defendant Shehan are hereby **DISMISSED**.

Signed: January 13, 2012



Martin Reidinger  
United States District Judge

