

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BEAU GIPSON,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CV-161
)	(Phillips)
ROBERT SCOTT NEWMAN,)	
)	
Defendant.)	

JUDGMENT ON DECISION BY THE COURT

This case came before the court on the motion for summary judgment by defendant Robert Scott Newman. The Honorable Thomas W. Phillips, United States District Judge, having rendered a decision on the defendant’s motion,

IT IS ORDERED AND ADJUDGED that the plaintiff Beau Gipson take nothing, that plaintiff’s claims brought pursuant to 42 U.S.C. § 1983 and the Fourth Amendment be **DISMISSED WITH PREJUDICE** on the merits. Additionally, pursuant to 28 U.S.C. § 1367(c)(3), the court declines to exercise jurisdiction over plaintiff’s state law claims. Therefore, plaintiff’s causes of action for assault and battery are **DISMISSED WITHOUT PREJUDICE** to the refiling of same in an appropriate state court.

The final pretrial conference scheduled for February 23, 2009 and the trial scheduled for March 2, 2009 are **CANCELLED**.

Dated at Knoxville, Tennessee, this _____ day of February, 2009.

s/ Patricia L. McNutt

Clerk of Court