

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

DETRIA C. REED,
Plaintiff,
v.
JESSE SANDLIN, individually and as an officer
of the Memphis Police Department; JAMES
KIRKWOOD, individually and as a Colonel
of the Memphis Police Department; ANTHONY
MULLINS, individually and as a Lieutenant of
the Memphis Police Department; PRESTON
MORTON, individually and as a Lieutenant
of the Memphis Police Department; CURTIS
PRICE, individually and as a Sargent of the
Memphis Police Department; GREGORY
SANDERS, individually and as a Lieutenant
Colonel of the Memphis Police Department;
FRANK. HANNAH, individually and as a
Sargent of the Memphis Police Department;
and CITY OF MEMPHIS, TENNESSEE,
Defendants.

Civil Action Number
2:15-cv-02448-STA-tmp

JURY TRIAL DEMANDED

ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE
REGARDING PAYMENT OF ATTORNEY'S FEES

On August 29, 2016, the Court considered the purported appeal of Sam Zerilla, attorney
for Defendants James Kirkwood and Preston Morton, of the Magistrate Judge's decision on
August 24, 2016, denying, inter alia, Plaintiff's motion for further sanctions. (ECF No. 175.)
The Court noted that, although the appeal was linked to the August 24 decision (ECF No. 173), it
referenced the Magistrate Judge's report and recommendation (ECF No. 147) for sanctions
against Zerilla in the amount of \$1,295 payable to Plaintiff for his attorney's fees in connection

with Plaintiff's motion for an order to show cause, to preclude evidence, and to reduce time to respond to the motion. (ECF No. 135.) The Magistrate Judge partially granted Plaintiff's motion on August 9, 2016, and awarded attorney's fees as a sanction. (ECF No. 143.) The subsequent report and recommendation (ECF No. 147) recommended the amount of the attorney's fees that should be paid to Plaintiff.

Because no appeal was taken from the order of August 9, the Court determined that the only issue that Zerilla could appeal was the amount of the attorney's fees awarded by Magistrate Judge Pham. Because of the confusion as to what exactly Zerilla was appealing, the Court denied Zerilla's appeal and request for a hearing without prejudice and allowed Zerilla to re-file his appeal no later than the close of business Friday, September 2, 2016. The Court noted that the failure to do so would result in the adoption of the report and recommendation without further notice.

Zerilla has not re-filed his appeal within the requisite time. Accordingly, the report and recommendation of Magistrate Judge Tu M. Pham (ECF No. 147) is hereby **ADOPTED** in its entirety. Zerilla is **ORDERED** to pay to Plaintiff a total of \$1,295 in fees and costs.¹

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
United States District Judge

Date: September 6, 2016

¹ This amount is in addition to the \$1,330 that the Court previously ordered Zerilla to pay Plaintiff. (ECF No. 129.) A hearing is set for September 8, 2016, on Zerilla's motion to withdraw as counsel. (ECF No. 160.)