

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 08-10926
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 14, 2008 THOMAS K. KAHN CLERK
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D. C. Docket No. 06-02315-CV-3-IPJ

JEREMY NEWTON,

Plaintiff-Appellant,

versus

TIM RAY,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Alabama

(July 14, 2008)

Before TJOFLAT, BIRCH and DUBINA, Circuit Judges.

PER CURIAM:

The defendant deputy sheriff arrested the plaintiff for encouraging his wife

to “assault” his sister. According to plaintiff’s amended complaint for money damages under 42 U.S.C. § 1983 for false arrest, plaintiff’s sister called the police and the defendant responded to the call. The defendant observed that plaintiff’s sister had a bloody nose; she told him that the plaintiff had “egged on” the assault. She subsequently swore out a complaint against him.

The defendant moved to dismiss the amended complaint on the ground that he was entitled to qualified immunity. The district court granted the motion. In a well reasoned Memorandum Opinion, the court held that the defendant “reasonably could have believed that probable cause existed in light of the information he possessed at the time he arrested the plaintiff.” The plaintiff now appeals. We find no error in the district court’s reasoning, and therefore affirm.

AFFIRMED.