

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 09-11897  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 8, 2012 JOHN LEY CLERK
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D. C. Docket No. 07-00022-CV-WLS-1

CHARLES A. REHBERG,

Plaintiff-Appellee,

versus

JAMES P. PAULK,  
in his individual capacity,  
KENNETH B. HODGES, III,  
in his individual capacity and  
in his official capacity as District  
Attorney of Dougherty County  
KELLY R. BURKE, in his  
individual capacity,

Defendants-Appellants,

DOUGHERTY COUNTY,

Defendant.

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Appeal from the United States District Court  
for the Middle District of Georgia

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(June 8, 2012)

**ON REMAND FROM THE SUPREME COURT  
OF THE UNITED STATES**

Before CARNES, HULL and ANDERSON, Circuit Judges.

PER CURIAM:

On March 21, 2011, the United States Supreme Court granted Plaintiff Rehberg's petition for certiorari as to the portion of this Court's July 16, 2010 decision in Rehberg v. Paulk, 611 F.3d 828, 839–40 (11th Cir. 2010), that concluded Defendant Paulk had absolute immunity for his grand jury testimony. On April 2, 2012, the United States Supreme Court affirmed. Rehberg v. Paulk, 566 U.S. —, 132 S. Ct. 1497 (2012). We now remand this case to the United States District Court for the Middle District of Georgia for further proceedings consistent with our July 16, 2010 opinion, and specifically for entry of judgment in favor of the Defendants on all claims except for the retaliatory prosecution claim against Paulk in Count 7 of Rehberg's complaint.

**REMANDED.**