

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 07-14540

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 27, 2008 THOMAS K. KAHN CLERK

D. C. Docket No. 04-00877-CV-T-E

M.D., a minor, by and through his next friends and parents
Carlton and Patricia Daniels,

Plaintiff-Appellee,

versus

LLOYD SMITH, Lee County Sheriff Deputy, in his
individual capacity,

Defendant-Appellant.

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

(May 27, 2008)

Before DUBINA and BARKETT, Circuit Judges, and SCHLESINGER,* District
Judge.

*Honorable Harvey E. Schlesinger, United States District Judge for the Middle District of
Florida, sitting by designation.

PER CURIAM:

Appellant, Deputy Sheriff Lloyd Smith (“Deputy Smith”), appeals the district court’s summary judgment order denying Smith qualified immunity on M.D.’s claim of excessive force in violation of his Fourth Amendment right. The issue presented on appeal is whether the district court erred in denying Deputy Smith’s motion for summary judgment on M.D.’s excessive force claim. We review *de novo* a district court’s order on summary judgment. *Skop v. City of Atlanta, Ga.*, 485 F.3d 1130, 1136 (11th Cir. 2007).

After reviewing the record, reading the parties’ briefs and having the benefit of oral argument, we affirm the district court’s order denying summary judgment based on its well-reasoned memorandum opinion filed on August 27, 2007.

AFFIRMED.