

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-11794

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JAN 12, 2009 THOMAS K. KAHN CLERK

D.C. Docket No. 04-00729-CV-W-N

GEORGE WALTER PRESLEY,

Plaintiff-Appellee,

versus

GEORGE EDWARDS,
Captain,

Defendant-Appellant,

WILLIE THOMAS, etc., et al.,

Defendants.

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

(January 12, 2009)

Before BIRCH and BARKETT, Circuit Judges, and KORMAN,* District Judge.

PER CURIAM:

George Edwards, captain of security at Staton Correctional Facility, appeals the district court's denial of his summary judgment motion based on its denial of qualified immunity. We agree with the district court that genuine disputes of material fact exist at this juncture regarding Captain Edward's entitlement to qualified immunity and, accordingly, affirm the district court's ruling.

AFFIRMED.

* Honorable Edward R. Korman, United States District Judge for the Eastern District of New York, sitting by designation.