

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-14633

D.C. Docket No. 1:09-cv-23462-EGT

MICHAEL KNIGHT,
through Cheryl Denise Kerr,
as Personal Representative
and Next-of-Kin,
LATASHA CURE,

Plaintiffs - Appellees,

versus

MIAMI-DADE COUNTY,
a Florida County and Political
Subdivision of the State of Florida, et al.,

Defendants,

OFFICER RYAN ROBINSON,
Individually and as an Officer of the
Miami-Dade Police Department,
MICHAEL MENDEZ,
Individually and as an Officer of the
Miami-Dade Police Department,

Defendants - Appellants.

Appeal from the United States District Court
for the Southern District of Florida

(December 19, 2013)

Before CARNES, Chief Judge, WILSON and FAY, Circuit Judges.

PER CURIAM:

The issue in this case is whether the district court erred in denying summary judgment based on qualified immunity to Officers Ryan Robinson and Michael Mendez of the Miami-Dade Police Department. The officers assert that the court should have disregarded Latasha Cure's deposition testimony under the sham affidavit rule and then granted summary judgment to them based on their qualified immunity defense. Assuming that the sham affidavit rule applies in these kind of circumstances, we conclude that the district court did not abuse its discretion in refusing to disregard Latasha Cure's deposition as a sham, and the district court did not err in finding that there was a genuine issue of material fact requiring that the defendants' motion for summary judgment be denied. We therefore affirm the denial of summary judgment.