

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 17-12615

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D.C. Docket No. 6:15-cv-00880-RBD-TBS

JERMAINE KENT,

Plaintiff - Appellee,

versus

JUAN VARGAS,  
Officer,

Defendant,

ZACHARY BROWN,  
Officer,

Defendant - Appellant.

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

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(October 10, 2018)

Before WILSON and JORDAN, Circuit Judges, and MOORE,\* District Judge.

PER CURIAM:

Deputy Zachary Brown appeals the district court's order denying him qualified immunity on Jermaine Kent's claim for excessive force. Following oral argument and a review of the record, we affirm. Viewing the facts in the light most favorable to Mr. Kent, we agree with the district court, *see* D.E. 73 at 7–10, that Deputy Brown is not entitled to qualified immunity. *See, e.g., Saunders v. Duke*, 766 F.3d 1262, 1268–70 (11th Cir. 2014); *Brown v. City of Huntsville*, 608 F.3d 724, 739–40 (11th Cir. 2010); *Reese v. Herbert*, 527 F.3d 1253, 1273–74 (11th Cir. 2008).

In this interlocutory appeal, Deputy Brown also seeks to appeal the ruling of the district court that *Heck v. Humphrey*, 512 U.S. 477 (1994), does not bar Mr. Kent's excessive force claim. We conclude that we lack jurisdiction to entertain this argument for the reasons set forth in *Harrigan v. Metro Dade Police Department Station No. 4*, 636 F. App'x 470, 476 (11th Cir. 2015), which we find persuasive. *See also Limone v. Condon*, 372 F.3d 39, 50–52 (1st Cir. 2004); *Cunningham v. Gates*, 229 F.3d 1271, 1285 (9th Cir. 2000).

**AFFIRMED IN PART AND DISMISSED IN PART.**

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\*The Honorable William T. Moore, Jr., United States District Judge for the Southern District of Georgia, sitting by designation.