

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 11a0453n.06

No. 10-2285

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED

Jul 06, 2011

LEONARD GREEN, Clerk

MICHAEL J. TRETHEWEY,

Plaintiff-Appellee,

V.

SHAWN STIMAC,

Defendant-Appellant,

and

**JOSEPH JONES, THOMAS VAUGHN, JEFFREY
BINNS,**

Defendants.

**ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF MICHIGAN**

OPINION

BEFORE: KENNEDY, SILER and McKEAGUE, Circuit Judges.

PER CURIAM. This is an appeal by a defendant police officer from an interlocutory ruling denying his motion for summary judgment on plaintiff's excessive force claim under 42 U.S.C. § 1983 and assault-and-battery claim under state law. The action stems from events that occurred on June 13, 2007, when defendant City of Flint Police Officer Shawn Stimac and three other officers arrested plaintiff Michael Trethewey on a parole violation warrant. When Trethewey resisted the officers' initial attempt to arrest him, a vehicle chase ensued. When the vehicle in which Trethewey was a passenger was brought to a halt, he was forcibly restrained, suffering serious injuries.

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Plaintiff Trethewey has sued all four officers who participated in the arrest, asserting claims under federal and state law. All four defendants filed dispositive motions challenging Trethewey's claims. On September 9, 2010, the district court adopted the magistrate judge's recommendation and denied defendants' motions for summary judgment and to dismiss. In relation to defendant Stimac's motion in particular—asserting qualified immunity in defense of the § 1983 claim and governmental immunity in defense of the assault-and-battery claim—the district court ruled that genuine issues of material fact precluded summary judgment in Stimac's favor. Defendant Stimac alone filed notice of appeal.¹

On appeal, Stimac has not raised any argument that is not fairly and adequately addressed in the district court's opinion. Although we review the district court's ruling de novo, we find no error. Accordingly, finding that a separate opinion would be duplicative and unnecessary, we hereby **AFFIRM** the district court's order denying Stimac's motion for summary judgment on the reasoning of its opinion.

¹Though the district court's ruling is interlocutory, we have jurisdiction to review it under the collateral order doctrine.