

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JAMES ALLEN HUGHEY

PLAINTIFF

VS.

CIVIL ACTION NO: 3:18cv004-NBB-RP

**TIPPAH COUNTY, MISSISSIPPI,
TOMMY MASON, in his Individual Capacity,
AND "X" BONDING COMPANY**

DEFENDANTS

**RESPONSE IN OPPOSITION TO MOTION FOR JUDGMENT ON THE PLEADINGS
BASED ON QUALIFIED IMMUNITY**

COMES NOW, Plaintiff James Allen Hughey, and submits his response in opposition to Defendant's Motion for Judgment on the Pleadings Based on Qualified Immunity as follows:

1. As fully explained in the accompanying Memorandum Brief, Defendant's Motion for Judgment on the Pleadings Based on Qualified Immunity should be denied.
2. The Complaint pleads a clear claim for excessive force. Defendant Tommy Mason severely beat James Allen Hughey without justification.
3. The Court should lift the stay and allow qualified-immunity related discovery pursuant to *Schultea v. Wood*, 47 F.3d 1427, 1433-1434 (5th Cir. 1995). Plaintiff has contemporaneously filed a separate Motion requesting the Court allow qualified immunity related discovery.
4. As fully set out in Plaintiff's Memorandum Brief, Defendant's Motion should be denied.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Court to deny Defendant's Motion for Judgment on the Pleadings Based on Qualified Immunity. Plaintiff further requests such other and more general relief to which he is entitled.

RESPECTFULLY SUBMITTED, this the 17th day of May, 2018.

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CERTIFICATE OF SERVICE

I certify that I have this day electronically filed the foregoing document with the Clerk of Court using the ECF system, which sent notification to the following:

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THIS the 17th day of May, 2018.

/s R. Shane McLaughlin