

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

FILED
2008 MAY 12 11:07 A
U.S. DISTRICT COURT
EASTERN DIST. TENN.
Case No. 1:07-cv-211
BY DEPT. CLERK
Judge: Collier/ Carter

ROY L. DENTON,
Plaintiff

v.

STEVE RIEVLEY,
in his individual capacity
Defendant

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PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiff Roy L. Denton, pro se, in the above-captioned action respectfully moves the Court to enter partial summary judgment. The gist of this lawsuit challenges the constitutionality of a warrantless arrest inside the home. The Defendant Steve Rievley concedes in his Answer to Interrogatories (attached Ex. A, PAGE 5) that he entered into the plaintiff's home and arrested him without a warrant. Defendant Rievley further supports this undisputed event within his own Affidavit of Complaint (see attached Ex. B).


Because there is no genuine issue of material fact as to the warrantless arrest inside the plaintiff's home, the plaintiff is entitled to judgment as a matter of law on his claim that his warrantless arrest, while inside his home and without exigent circumstances exempting the need for a warrant, violates the Fourth Amendment to the United States Constitution. It is undisputed that no material facts exist in that the defendant was not summoned to the plaintiff's home; did

not have an arrest warrant; did not have a search warrant and did enter the plaintiff's home to effect the warrantless arrest. The only dispute at all, if such could even be considered a dispute, is the defendant's play on words as to whether it is possible to enter a house without consent or warrant and "look" around as opposed to entering a home and "search" around. Clearly, a reasonable mind must conclude that "look", "search", or any other synonym does not establish a disputed fact. (see Ex. A, page 5)

Thus, for the reasons stated herein and as supported by the enclosed Memorandum in Support of Plaintiff's Motion for Partial Summary Judgment, and attached Exhibits in Support of Plaintiff's Motion for Partial Summary Judgment, plaintiff is entitled to judgment as a matter of law.

Respectfully submitted, this 12th day of May, 2008.

BY: _____



Roy L. Denton
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this document has been served upon all parties of interest in this cause by placing an exact copy of same in the U.S. Mail addressed to such parties, with sufficient postage thereon to carry same to its destination, on this 12th day of May, 2008.

Roy L. Denton

Copy mailed to:

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