

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

FEB 23 1993

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

JAMES W. MCCORMACK, CLERK  
By: *M. Huggenbether*  
DEP. CLERK

ERNEST SMITH and JIMMY RUDD

PLAINTIFFS

vs.

PB-C-93-731

LARRY NORRIS, Former Acting Director and  
Current Director of the Arkansas Department  
of Correction; WILLIS H. SARGENT, Former Warden  
of the Cummins Unit of the Arkansas Department  
of Correction; MAJOR A.J. HALL, Chief of Security;  
LIEUTENANT R.R. WOOD, Shift Supervisor; J. CLEVELAND,  
Guard; JOHN HOOD, Officer; JAMES BANKS, Classification  
and Assignment Officer; and DALE REED, Warden, Cummins  
Unit of the Arkansas Department of Correction

DEFENDANTS

PARTIAL SUMMARY JUDGMENT

In accordance with the findings of fact and conclusions of  
law set forth in the Court's Memorandum Opinion of even date  
herewith, and in accordance with the reasons set forth therein,

IT IS HEREBY CONSIDERED, ORDERED, AND ADJUDGED that Partial  
Summary Judgment be, and it is hereby, granted in favor of the  
plaintiff Smith upon all liability issues (including causation  
issues) in his actions under 42 U.S.C.A §1983 (West 1994) for  
damages against the defendants, thereby leaving only the damage  
issues to be tried to a jury.

IT IS FURTHER ORDERED that defendants may not rely upon the  
defense of qualified immunity in this case. This is a final  
order on this issue. If defendants appeal this decision, the  
jury trial will be stayed pending the final disposition of this  
appeal.

Smith v. Norris



PC-AR-006-003

DATED this 23<sup>rd</sup> day of February, 1995.

Garnett Thomas Eiel  
UNITED STATES DISTRICT JUDGE