

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-10426
Summary Calendar

STEVEN DALE FINCH,

Plaintiff-Appellant,

versus

CLIFF WILLIAMS, Grand Prairie
Police Officer,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(4:99-CV-803-Y)

January 21, 2002

Before HIGGINBOTHAM, WIENER, AND BARKSDALE, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Steven Dale Finch, now Texas prisoner #1004856, appeals the summary-judgment dismissal of his 42 U.S.C. § 1983 complaint in which he alleged that he was subjected to excessive force during an arrest on a parole violation. As the record contains several disputed material facts about what occurred during Finch's arrest, the summary judgment in favor of the defendant is VACATED, and the case is REMANDED for further proceedings. See Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc)

VACATED AND REMANDED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.