

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LYNN BUCK, et al.,

Plaintiffs,

vs.

CIV- 04-01000 JAP/DJS

CITY OF ALBUQUERQUE, et al.,

Defendants.

**DEFENDANT CAPTAIN GONZALES'
MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant, Captain John Gonzales, in his official and individual capacity, by and through counsel, Jerry A. Walz, Walz and Associates, and, pursuant to F.R.C.P. Rule 56, hereby moves this Honorable Court for an Order granting Summary Judgment in his favor and dismissing him from all claims made by the Plaintiffs by reason of Qualified Immunity. Alternatively and without prejudice the said Defendant also moves this Honorable Court for an order dismissing each and every claim made by each of the individual named Plaintiffs. A Memorandum in Support of this Motion is attached hereto.

Based on the nature of the motion it is assumed that Plaintiffs' counsel opposes this motion and supporting memorandum.

WHEREFORE, Defendant, Captain John Gonzales respectfully requests that the Court grant summary judgment as to all of Plaintiffs' Complaint or alternatively as to each of Plaintiffs' individual claims for the reasons set forth in the supporting memorandum.

Respectfully submitted,

Electronically filed

Jerry A. Walz, Esq.
Attorney for Defendant Gonzales
Walz and Associates
12009 N. Hwy. 14
Cedar Crest, NM 87008
(505) 281-3414

I HEREBY CERTIFY that a true
and accurate copy of the
foregoing pleading was sent
via U.S. Mail to the following
counsel of record on this 1ST
day of February, 2006.

Peter Schoenburg, Esq.
Carolyn M. "Cammie" Nichols, Esq.
Rothstein, Donatelli, Hughes,
Dahlstrom & Schoenburg, LLP
Attorneys for Plaintiff
500 4th Street NW, Ste. #400
Albuquerque, NM 87102-2174

Kathryn Levy, Esq.
Attorney for City Defendants
P.O. Box 2248
Albuquerque, NM 87103

Luis E. Robles, Esq.
Attorney for Defendant Officers
Robles, Rael & Anaya, PC,
500 4th St, NW, Ste. 400
Albuquerque, NM 87102

Electronically filed
Jerry A. Walz, Esq.