

NOT PRECEDENTIAL

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-2453

MARTHA NOLL,
Appellant

v.

THOMAS GALLAGHER, SR., *CITY OF BRIGANTINE;
*BRIGANTINE POLICE DEPARTMENT; CITY OF
ATLANTIC CITY; ATLANTIC CITY POLICE DEPARTMENT;
TOWNSHIP OF MULLICA; MULLICA TOWNSHIP POLICE DEPARTMENT;
*TOWNSHIP OF EGG HARBOR; *EGG HARBOR TOWNSHIP POLICE
DEPARTMENT; *CITY OF EGG HARBOR; *EGG HARBOR CITY
POLICE DEPARTMENT; CITY OF ABSECON; ABSECON POLICE DEPARTMENT;
TOWNSHIP OF GALLOWAY; GALLOWAY TOWNSHIP POLICE DEPARTMENT;
ABC PUBLIC ENTITY, (I-X) (representing fictitious entities);
XYZ, SUBDIVISIONS, BOARDS OR AGENCIES (I-X) (representing fictitious
Subdivisions, Boards or Agencies); JOHN DOES, AGENTS, SERVANTS AND/OR
EMPLOYEES (I-X) (representing fictitious agents, servants or employees);
JOHN P. BIENIAKOWSKI, SGT.

*(Dismissed per Court order dated 10/11/02)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

(D.C. Civil No. 00-cv-03440)
District Judge: The Honorable Jerome B. Simandle.

Submitted Under Third Circuit LAR 34.1(a)

March 11, 2003

BEFORE: SLOVITER, NYGAARD, and ALARCON,* Circuit Judges.

(Filed: March 27, 2003)

OPINION OF THE COURT

NYGAARD, Circuit Judge.

Appellant Martha Noll was injured in a accident between her car and another stolen car being pursued by the police. She appeals from a summary judgment in favor of Township of Mullica, Mullica Township Police Department, Township of Galloway, Galloway Township Police Department, and Sgt. John P. Bieniakowski. Noll alleges as error the issue listed in paragraph I, taken verbatim from her brief. Because we conclude that the District Court did not err, we will affirm.

I.

The allegations of error asserted by appellant are as follows:

whether the District Court abused its discretion or committed an error of law when it dismissed all claims asserted against defendant-appellees. It is contended by plaintiff that (1) defendant-appellees' conduct should have 'shocked the conscience' of the Court, or a factual issue is presented in regard to that issue and (2) defendant-appellee's [sic] conduct

* Honorable Arthur L. Alarcon, Senior Circuit Judge for the United States Court of Appeals for the Ninth Circuit, sitting by designation.

was so reckless as to constitute willful misconduct and cause them to lose their state statutory immunity from liability, or a factual issue is presented in regard to that issue.

Appellant's Br. at 2.

II.

The facts and procedural history of this case are well known to the parties and the court, and it is not necessary that we restate them here. The reasons why we write an opinion of the court are threefold: to instruct the District Court, to educate and inform the attorneys and parties, and to explain our decision. We use a not-precedential opinion in cases such as this, in which a precedential opinion is rendered unnecessary because the opinion has no institutional or precedential value. *See* United States Court of Appeals for the Third Circuit, Internal Operating Procedure (I.O.P.) 5.3. Under the usual circumstances when we affirm by not-precedential opinion and judgment, we briefly set forth the reasons supporting the court's decision. In this case, however, we have concluded that neither a full memorandum explanation nor a precedential opinion is indicated because of the very extensive and thorough opinion filed by Judge Simandle of the District Court for the District of New Jersey. Judge Simandle's opinion adequately explains and fully supports its order and refutes the appellant's allegations of error. Hence, we believe it wholly unnecessary to further opine, or offer additional explanations and reasons to those given by the District Court, why we will affirm. It is a sufficient explanation to say that, essentially

for the reasons given by the District Court in its opinion dated the 26th day of April, 2002,
we will affirm.

III.

In sum, for the foregoing reasons, we will affirm the order of the District
Court dated the 26th day of April, 2002.

TO THE CLERK:

Please file the foregoing opinion.

/s/ Richard L. Nygaard
Circuit Judge

