violence" that required and justified "stern control measures." She had not exhibited evidence of drug abuse or cocaine-induced psychosis, nor had the deputies used any vertical pressure, all of which were risks associated with four-point restraints, and the plaintiff's medical expert's testimony failed to raise a material fact issue that the use of four-point restraints was objectively unreasonable. The mere existence of alternatives to the restraints (which were admittedly more difficult for the officers or more risky for Loggins) was "not probative of the excessiveness of four-point restraints." Addressing the issue of an alleged failure to monitor a detainee during transport, the court noted this claim "sounds not in the Fourth Amendment but in the Fourteenth," and required the plaintiff to show that the officers acted with subjective knowledge of a substantial risk of serious medical harm, followed by a response of deliberate indifference. This was not supported by the record. "No evidence supports a fact issue that the deputies acted with deliberate indifference toward Loggins at any time." *Hill v. Carroll County, Miss.*, No. 08-60516, 2009 WL 3448137 (5th Cir. Oct. 28, 2009).

Excessive Force and Handcuffing

In a domestic dispute between Amanda Morrison and her mother, Morrison left the house screaming "I could just kill myself," which prompted her sister to call 911. An officer arrived and found Morrison sitting, alone, in front of a neighbor's house. After talking with Morrison, the officer told her that he would have to take her to the hospital for a psychiatric evaluation. The parties disputed what happened next: Morrison said she got up to walk into the house; the officers stated that she jumped up to flee. However, what happened next was undisputed: Morrison was tackled from behind by Officer Celender. Morrison claimed that he also handcuffed her tightly, to the point where her skin turned black and blue (though the injury was very short-lived). Her repeated requests to have the cuffs loosened were supposedly ignored, and she alleged further that every time she tried to talk, Celender would push her face into the ground. Paramedics arrived and treated Morrison for a sprained ankle; she was transported to hospital and released later that day. Morrison sued the officers and their employer, Green Township, in a Section 1983 action, alleging excessive force, seizure without probable cause, and a failure to train.

The district court granted summary judgment in favor of the defendants on all claims except the excessive force claim, ruling that Celender was not entitled to qualified immunity. Celender appealed, and the U.S. Court of Appeals for the Sixth Circuit affirmed. The appellate court applied unreasonable seizure jurisprudence in analyzing the excessive force claim. The Fourth Amendment prohibited unduly tight or excessively forceful handcuffing during the course of a seizure. *Kostrzewa v. City of Troy*, 247 F.3d 633 (6th Cir. 2001). To succeed on a summary judgment motion, a plaintiff was required to show sufficient evidence that he or she had complained that the handcuffs were too tight; the officer ignored the complaints; and the plaintiff suffered physical injury as a result. The court focused on the third factor, as Celender argued that just bruising and wrist-marks were insufficient. The Sixth Circuit, however, disagreed, finding that, under its existing jurisprudence, bruising and wrist-marks could create a genuine issue of material fact with regard to the physical injury requirement. With regards to Morrison's excessive force claim based on the head-pushing, the court also found in Morrison's favor. Using an objective reasonableness standard, the court rejected Celender's argument that his use of force was reasonable because of his concern for officer safety and given the limited nature of Morrison's injuries. The Sixth Circuit had consistently held that "use of force after a suspect has been incapacitated or neutralized [was] excessive as a matter of law." Celender admitted that Morrison was totally compliant while being handcuffed, and had not tried to flee or struggle. The limited nature of injuries was not decisive: Celender "essentially asks this court to impose a blanket de *minimis* injury requirement for excessive force claims… [and] while an excessive force claim may be established through evidence of severe injury or physical contact, this Circuit has not required that this must be the case." *Morrison v. Board of Trustees of Green Township*, 583 F. 3rd 384 (6th Cir. 2009).

Due Process, Notice, and Towing

The California Vehicle Code permitted towing of vehicles that were "parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal." The Code also preempted municipal vehicle ordinances inconsistent with its provisions. The City of Los Angeles had enacted a provision that prohibited parking in an otherwise legal public spot "for more than 72 hours in the aggregate during any period of 73 hours." Lone Star Security & Video, Inc. attached advertisements to a number of mobile trailers and parked the trailers for extended periods on residential streets in Los Angeles. Over several years, the Los Angeles Police Department (LAPD) and the Los Angeles Department of Transportation (DOT) had impounded 77 of Lone Star's trailers for having been parked longer than the 72-hour period permitted under the local code. The LAPD and LADOT had forms or notices that could be left on a vehicle to notify the owner that the vehicle could be towed for parking for longer than 72 hours, and had policies regarding attaching the forms to any vehicle belonging to a first-time offender. For repeat offenders, however, the officer had discretion on whether to attach the form.

Lone Star brought a Section 1983 action contending that its federal due process rights were violated because the City gave inadequate notice before towing its vehicles, and because California's Code preempted the City's ordinance. The district court granted summary judgment in favor of Lone Star on the preemption claim, but held that the City was not constitutionally required to provide notice each time it towed a vehicle, and awarded damages to Lone Star reflecting the overall losses for all of its trailers towed under local

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