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FEATURED CASE

Third Circuit Holds Qualified Immunity Premature at Pleading Stage in Case Alleging Repeated Use of Force Against Mentally Ill Pretrial Detainee

***Stringer v. County of Bucks,* No. 23-1373 (3d Cir. June 18, 2025)**

In the spring of 2020, Kimberly Stringer was arrested following an altercation with a neighbor and subsequently detained at the Bucks County Correctional Facility (BCCF). Stringer, who had a documented history of severe mental illness, including bipolar disorder, was allegedly unable to comply with correctional staff directives due to her psychiatric condition. According to the complaint, correctional officers responded to her noncompliance not with clinical intervention, but through punitive measures, including repeated use of pepper spray, handcuffing, and prolonged placement in a restraint chair. These actions purportedly occurred over the course of several weeks and persisted even after Stringer was transferred to a special housing unit designated for inmates with mental health needs. The complaint further asserts that correctional staff failed to adjust their approach as Stringer's condition visibly deteriorated. It was only after fellow inmates contacted Stringer's mother and a local news outlet aired a report on her condition that she was transferred to a mental health facility. By the time of her transfer, the complaint alleges that Stringer was in a catatonic state and almost entirely unresponsive.

In 2022 Kimberly's parents sued the BCCF correctional officers on her behalf alleging violations of her 8th Amendment rights, although this was later corrected to be a suit alleging violations of her 14th Amendment rights as she was a pretrial detainee and the 8th Amendment had not yet applied. The Defendants moved to dismiss based on failure to state a claim and qualified immunity.

Legal Questions:

1. Was the prison staff entitled to qualified immunity at the pleading stage?

Holdings:

The Third Circuit affirmed the District Court's order denying the motion to dismiss on qualified immunity grounds without prejudice and remanded with instructions to conduct limited discovery tailored to uncovering those facts needed to rule on the Defendants' immunity defense.

Analysis:

The court first laid out the basic test for a plaintiff to overcome qualified immunity in that they must prove (1) the official violated a constitutional right that (2) was clearly established when he acted. For a right to be "clearly established," the contours of that right "must be sufficiently clear that a reasonable official would understand that what he is doing violates that right." *Anderson v. Creighton*, 483 U.S. 640 (1987).

The court emphasized that most Rule 12(b)(6) motions are not typically granted in qualified immunity cases because qualified immunity often turns on fact-intensive inquiries that cannot be resolved at the pleading stage. Specifically, while a complaint may plausibly allege a constitutional violation, the second prong of the qualified immunity analysis requires a context-specific assessment of the facts. At the motion-to-dismiss stage, courts lack a full factual record to evaluate whether a reasonable officer would have known their conduct was unlawful under existing precedent. As a result, courts generally deny qualified immunity at the 12(b)(6) phase without prejudice, allowing discovery to proceed and deferring the immunity determination until summary judgment, when the factual context is sufficiently developed.

The Defendants argued that the lack of factual detail in the complaint required a finding of qualified immunity. However, the court addressed this argument by citing precedent that the burden of pleading qualified immunity lies with the Defendant, and the absence of detailed allegations in the complaint does not mean that Defendants are automatically immune: resolution of a qualified immunity defense is "premature when there are unresolved disputes of historical fact relevant to the immunity analysis." *Reilly v. City of Atl. City*, 532 F.3d 216, 234 (3d Cir. 2008). The details of the missing facts are often the difference in determining whether the officers' actions were reasonable in light of the circumstances. The court tied this analysis to the facts of the case at hand to show the questions that would have to be answered for the court to be able to make a qualified immunity determination such as whether Kimberly was resisting or merely non-compliant, whether she posed a threat to herself or others before being placed in a restraint chair, and the defendants' knowledge of her prior condition. The court concluded that the case was better resolved at summary judgment.

The case illustrates that qualified immunity is rarely appropriate for resolution on a Rule 12(b)(6) motion, as the "clearly established" prong often requires a detailed, fact-specific analysis that cannot be conducted without a developed record. The decision also highlights the court's willingness to permit limited discovery to determine whether qualified immunity may ultimately apply, underscoring that immunity is a protection against unwarranted liability, not an automatic shield from litigation.

***Stringer v. County of Bucks, No. 23-1373* (3d Cir. 2025)**

SHORT SUMMARIES:

11th Circuit – Arrest – Probable Cause

An officer (Off. Gusman) saw a person in a vehicle speeding and got what the officer felt was a good long look at the driver. Upon following the speeder, the officer eventually caught up to the vehicle which had crashed but the driver had fled. The officer found a weapon in the car and some marijuana. The vehicle was reported stolen and other officers were taking information from the owner when officer Guzman decided to go from the scene of the crash to the owner's residence about a 5-minute drive. Officer Guzman recognized the owner as the driver and put him under arrest. Eventually, all charges were dropped, and a suit was filed against the police and the city. The lower court granted summary judgment to the defendants on all state and federal claims based on sovereign and qualified immunities. On appeal the panel affirmed. The officer's eyewitness identification of the Plaintiff sufficiently provided probable cause for the arrest and charging of the man. Interestingly, the owner asserted that the time of the crash and the time the first officers arrived to take his stolen vehicle report conclusively proved that he could not have been the driver. Nevertheless, the officer's eyewitness identification established probable cause. Quoting from the circuit precedent: "Probable cause requires only a probability or substantial chance of criminal activity, not an actual showing of such activity. Probable cause is not a high bar. Far from requiring convincing proof that [an] offense was committed, probable cause is a flexible and fluid concept, that looks instead to the totality of the circumstances to determine the reasonableness of the officer's belief that a crime has been committed. Accordingly, the test for probable cause is not reducible to precise definition or quantification, and finely tuned standards such as proof beyond a reasonable doubt or by a preponderance of the evidence . . . have no place in the [probable-cause] decision."

Scott vs. City of Miami

8th Circuit – Taser – Excessive Force

Believing the Plaintiff to be involved in a domestic disturbance an officer approaches him and the Plaintiff flees. While attempting to get away, the Plaintiff tries climbing a fence and the officer tases him leading the Plaintiff to fall and ultimately become paralyzed. The court concluded that probable cause existed for the seizure. As to excessive force, the court discussed the use of Taser in apprehending a person and noted that using a taser on a person elevated above the ground could amount to deadly force. Having so concluded the panel determined that the law involving the constitutional duty of this use of force had not been clearly established when the events occurred and affirmed dismissal of the case. As to a claim of deliberate indifference, the court discussed facts that might infer deliberate indifference when the officers moved and dragged the Plaintiff after his fall believing him to be faking his incapacitation as favoring the Plaintiff, but then concluded that the law had not been clearly established at the time of the event and affirmed dismissal of the claims.

Stewart vs. Garcia

6th Circuit – FMLA – Retaliation

An employee of the highway department injured himself off the job and applied for and received FMLA leave. Upon returning to work the employee requested light duty but was placed on vacation leave and then unpaid leave. The employer heard that the employee was actually working while on leave in ways inconsistent with the claimed medical limitations and hired an investigator to check on the facts. The facts proved true as he was seen carrying items and showing his brother-in-law how to cut a sidewalk. The employer followed its union contract and fired the employee and once that issue was resolved through the courts, the employee sued for various causes of action, among which was retaliation for taking FMLA leave. The case was removed to federal court and the lower court dismissed the case. On appeal the employee asserted only the retaliation claim and the panel concluded that the township had ample reason other than retaliation for deciding to discharge the employee.

Porter v. Jackson Twp. Highway Dep't

6th Circuit – Jail – Indifference to Medial Needs

An inmate came to the jail under the care of the VA and needing several medications. The nurse failed to get the inmate the medications needed, and among the reasons for not doing so was the policy of the department to request family members to bring the needed medications to the jail to save the department money. The inmate died for want of the medications. The estate sued and qualified immunity was sought but denied. The panel over a dissent agreed writing: "This court in *Richmond*, moreover, held that prior caselaw had clearly established that "neglecting to provide a prisoner with needed medication" could "constitute a constitutional violation." Id. at 948. *Richmond* thus presents a "similar fact pattern" that gave Snow and Watson a "fair and clear warning" that failing to ensure that Wiertella timely received his essential medications was a violation of his constitutional rights under the Eighth and Fourteenth Amendments. See *Arrington-Bey,* 858 F.3d at 993. The district court therefore did not err in concluding that Snow and Watson were not entitled to qualified immunity as a matter of law."

Wiertella v. Lake Cnty., Ohio, et al

7th Circuit – Fifth & Fourteenth Amendment Due Process – Fabrication of Evidence

In this case the Plaintiff was arrested, convicted and on remand ultimately acquitted of First-Degree Murder which led to his filing suit against the investigating officer for fabricating evidence. The lower court granted summary judgment to the defendant. On appeal the panel affirmed and helpfully identified the elements of the cause of action as: "As the district court recognized, in order to succeed on his due process claim based on the fabrication of evidence, Zambrano must provide evidence which would allow a jury to conclude that: (1) Schumacher deliberately falsified evidence in bad faith; (2) the evidence was used at Zambrano's criminal trial; (3) the evidence was material; and (4) Zambrano was damaged as a result." The lower court considered the first two elements and dismissed. The panel in affirming wrote: "The first factor requires a determination that evidence was

falsified, and that the falsification was done in bad faith, and the third requires that such falsified evidence was material. As to the first factor, we have repeatedly emphasized that fabricated evidence is testimony that is invariably false, and that is known to be untrue by the fabricator, as opposed, for instance, to coerced testimony that is forced by improper means but may be true or false. *Petty v. City of Chicago, 754* F.3d 416, 422 (7th Cir. 2014); *Fields v. Wharrie,* 740 F.3d 1107, 1110 (7th Cir. 2014)." The panel concluded that the Plaintiff was unable to show that the evidence that he questioned was submitted in bad faith or was in some instances material.

Zambrano vs. City of Joliet

10th Circuit – Detention Facility – Excessive Force

A juvenile who entered a detention facility in the throes of a mental health crisis died while held in a prone position for over 40 minutes. The lower court denied qualified immunity on the basis that there were material facts in dispute such that the matter could not be resolved as a matter of law. The panel agreed. The defense argued that the record established "blatant contradiction" of the District Court's factual conclusions. The analysis provides a good discussion of this theory for overturning a District Court.

Teetz vs. Stepien

11th Circuit – Excessive Force

The Plaintiff in this case, was seen fleeing a car dealership as the officers responded to a call that the place was being burgled. The Plaintiff was taken down and the officers attempted to get him to move his hands from under his body so he could be handcuffed. As to why the Plaintiff didn't allow his wrists to be cuffed there could be a dispute, but the officers tried to get him to release his hands to them first verbally and then using open hand slaps and eventually an elbow to the back. At one point the officers were concerned that he might have a gun in his waistband but ultimately when he was cuffed and stood up, there was no gun, but a pair of latex gloves he had used in the burglary lay where he had lain on the ground. He complained of injuries following his arrest and when examined had several broken ribs. The evidence was clear that once handcuffed the officers did not use force on him at any time. The Plaintiff pled guilty to the burglary. The lower court dismissed the claim for excessive force and the panel affirmed. "We thus hold that the Defendant Officers' open-fist strikes, closed-fist strikes, and elbow strike to the back, under the circumstances described above, were objectively reasonable uses of force."

Cunnningham vs. Cobb County

6th Circuit – Coroner – Due Process

In this case the County Medical Examiner's office received the body of a man and identified who were his next of kin but did not notify the next of kin. The family hired a social worker to find their missing relative and upon finding that his body was at the morgue sought to recover the body for burial but due to its advanced state of decomposition could only have it cremated. The family sued. The court wrote: "Although it's clear that the complaint alleges tragically irresponsible conduct by the defendants, that conduct is not a clearly established constitutional violation. And the Monell claim fails on both the lack of a clearly established constitutional violation and a failure to state facts supporting the claim. So we affirm."

Martinez, et al. v. Wayne Cnty, Mich., et al.