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FEATURE:

Supreme Court Holds That Officer is Entitled to Qualified Immunity for Application of Rear Wristlock Pain Compliance Technique

***Zorn v. Linton,* 607 U. S. ____ (March 23, 2026)**

This case was already covered in some detail by my IMLA colleagues, but I thought I would cover it here as well, since it is a big win for qualified immunity and local governments at the Supreme Court level (at least for now). During the inauguration of a new governor in Vermont, protestors staged a sit-in at the state Capitol in Vermont to demand universal healthcare. After the building had closed, many protesters remained sitting down with their arms linked, even after being informed by police that they were trespassing and that they would be arrested. Officer Zorn then approached Sheila Linton, informed her again that she would be arrested if she did not leave, and again Linton passively resisted. Zorn then unlinked her arm and put her in a rear wristlock, a pain compliance technique. Linton yelled in pain, fell back to the floor, and was carried out by other officers.

Linton sued, arguing Zorn's technique was excessive force in violation of her 4th Amendment rights. The district court granted qualified immunity for Zorn, however on appeal the Second Circuit found that the use of a rear wristlock on a passively resisting protester was clearly established as excessive force, and the case was appealed further to the Supreme Court.

Legal Question(s):

1. Whether the application of a rear wristlock pain compliance technique to a passively resisting demonstrator constituted excessive force that violates the Fourth Amendment.
2. Whether the law had clearly established that the use of this kind of technique constituted excessive force.

Holdings:

The Supreme Circuit held that it was not clearly established that Zorn's behavior violated Linton's 4th Amendment rights and summarily reversed the Second Circuit's ruling.

Analysis:

Reiterating qualified immunity principles, the Court explained officials are immune unless their conduct violates clearly established law that every reasonable officer would understand, which must be defined with a high degree of specificity and generally requires a precedent with similar circumstances. Linton pointed to *Amnesty America v. West Hartford*, 361 F.3d 113 (2d Cir. 2004) as proof that it was clearly established that Zorn's conduct was unlawful because the court in *Amnesty America* denied qualified immunity for officers after employing a number of pain compliance and generally aggressive arrest techniques against passively resisting protesters.

However, the Court found the Second Circuit "contravened" Linton because Amnesty America did not clearly establish that Zorn's specific conduct—using a routine wristlock after repeated warnings to move a resistant protester—violated the Fourth Amendment. The Court emphasized that Fourth Amendment excessive force analysis is context-specific, including consideration of warnings before force, and described *Amnesty America* as addressing a wide range of force allegations, including head-ramming, dragging, and wristlocks with no indication of warnings. The Court noted Amnesty America did not hold any specific action unconstitutional but remanded for a jury because a reasonable jury could find gratuitous pain while also possibly finding the force objectively reasonable. It underscored that *Amnesty America* cited *Forrester* approving warnings followed by wristlocks to move protesters, implying the opposite of a clearly established prohibition here.

The dissent disputed that Zorn applied the rear wristlock only after repeated warnings. It also argues that Linton should be successful based on the *Graham* factors, emphasizing that the threat posed by Linton was very low, and the potential damage caused by a rear wristlock could be very high. It also disagreed with the majority's treatment of *Amnesty America*, arguing that the majority effectively are demanding a 1:1 factual recount in order to deny qualified immunity.

Zorn v. Linton

SHORT SUMMARIES:

6th Circuit – Attorney's Fees and Sanctions- Meritless Claims – Legislative immunity

This case tells the story of what can happen to those who sue without merit. The facts take us to a small-town dispute and lay out for all of us how residents can get a bit carried away when they feel their government has treated them badly. The Plaintiff in the underlying case, wanted to see the fireworks display produced by the City in 2022. Due to COVID, the City limited patrons to City employees and their families. The Plaintiff, miffed by this policy, showed up anyway and began using the cell phone camera to take pictures until being removed. Some folks at the fireworks display were upset by being photographed and more so by having their children included in the pictures. Some called the fellow names. One thing led to another and then another and eventually the Plaintiff hired an attorney and several suits were filed. After losing and appealing, the attorney and client were sanctioned by the court. This appeal arose from those sanctions.

To quote from the court's opinion: "Irion [the Plaintiff's attorney] openly admitted that the claims were meritless. …. ("Therefore, all assertions of governmental immunity in the instant case should be granted and acknowledged . . . ."). It is one thing for an attorney to fail to do basic research. It is quite another to do that research, see that the case is meritless, and then file it anyway." For those interested in a more substantive issue, the court discussed legislative immunity saying: "One more thing. Federal legislative immunity, which we have held is essentially the same as immunity under the Speech or Debate Clause, U.S. Const. art. I, 6, cl. 1, is a defense to federal constitutional claims. *See Kent v. Ohio House of Representatives Democratic Caucus*, 33 F.4th 359, 364 (6th Cir. 2022). "Regional legislators, local legislators, even non-legislative officials who act in a legislative capacity, enjoy immunity in 1983 actions." *Id.* Federal legislative "immunity attaches to all actions taken 'in the sphere of legitimate legislative activity.'" *Bogan v. Scott-Harris*, 523 U.S. 44, 54 (1998) (quoting *Tenney v. Brandhove*, 341 U.S. 367, 376 (1951)). Importantly, the Supreme Court has upheld an assertion of legislative immunity when the plaintiff argued that the defendants were trying "to intimidate and silence [a] plaintiff and deter and prevent him from effectively exercising his constitutional rights of free speech and to petition the [government] for redress of grievances." *Tenney*, 341 U.S. at 371".

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Whiting v. City of Athens

10th Circuit – Discrimination – Employment

A city water department sought to hire a new leader (superintendent). Ostensibly, the job qualifications included holding an advanced degree in an area of expertise consistent with the job. Several employees were hired, including a long-time employee (the Plaintiff), who was born in China but had worked for the department for 20 years. The process included an evaluation of three applicants which ranked the Plaintiff second and he was not selected. The director made the decision based on leadership experience that ranked one candidate above the others. Upon hearing of the selection decision, the Plaintiff notified the Civil Service Board that the selected person did not have the required degree. The city abandoned the hiring decision, redefined the qualifications for the job and began afresh. This time, the applicants were ranked again, and the director again selected the person believed to have the best leadership experience.

The lower court applied the *McDonnell-Douglas* test and granted the city summary judgment. On appeal, the panel agreed. In discussing the City's changing standards for the job, the court wrote: "Removing the degree requirement may have been improper and inappropriate. But our role is to protect against unlawful discrimination, not to verify that employment decisions are "wise, fair or correct." Johnson, 594 F.3d at 1211 (citation omitted). Relaxing the education requirement doesn't undermine the city's explanation that it wanted a candidate with both technical knowledge and leadership experience. Hutchcraft had technical knowledge, even though he didn't have a degree. And though Hunter and the personnel department may have cut corners to hire Hutchcraft, their corner-cutting coheres with the city's nondiscriminatory explanation: it wanted a candidate with both technical knowledge and leadership experience." It's worth noting that the record included complaints from contractors that the Plaintiff was difficult to deal with, including a certain obstinacy.

Jiang vs. City of Tulsa

1st Circuit – Employment – Adverse Employment Action

Joanne Walsh worked at HNTB as a Technology Support Representative. In 2018, she was placed on a PIP along with another female employee. When asked to identify complaints that gave rise to her being placed in the PIP, she was told to "shut up" and that she could be replaced by "younger, cheaper people." Although she successfully completed her PIP, she eventually resigned shortly after and sued under the ADEA and other statutes, alleging a variety of claims, namely that her PIP constituted an adverse employment action.

Relying on *Muldrow*, the court rejected Walsh's argument that her PIP constituted an adverse employment action. The PIP did not change her title, duties, or pay, and did not create new termination rights. However, the reason I felt this case is newsworthy is that the court went one step further and rejected the argument that all PIPs are adverse employment actions per se. The court also rejected her remaining claims.

Walsh v. HNTB Corporation

9th Circuit – First Amendment – Drag Queens

This case should not come as a shock to those who attended our session on book bans and drag queens in New Orleans, but it is still worth mentioning for those dealing with this issue. In May of 2023, Montana enacted a law restricting "drag story hours" and "sexually oriented performances," which included criminal, civil, and professional penalties, and also created a private right of action for violators. Plaintiffs, many of whom were businesses and theatres, sued, asking for a preliminary injunction on the basis that the law violated their First and Fifth Amendment rights. The district court granted the injunction on the basis that the law was neither content nor viewpoint neutral and was unlikely to pass strict scrutiny. Montana appealed.

Applying *Winter v. Natural Resources Defense Council*, the Ninth Circuit upheld the injunction, reasoning that the law was not content- or viewpoint-neutral, required strict scrutiny, and, as a result, was not narrowly tailored enough to pass strict scrutiny. It also found the law to be unconstitutionally vague. One example of this that I found particularly interesting was that many movie theatres got involved because the definition of "sexually oriented performances" was vague enough that they feared showing a PG-13 or R-rated movie to a minor, even one accompanied by an adult, would be in violation of this law.

Imperial Sovereign Court of the State of Montana v. Knudsen