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FEATURE:

6th Circuit Holds Mental Health Unit Manager is Entitled to Qualified Immunity After Granting Mentally Ill Inmate Increased Freedom, Leading to Suicide

***Lovell v. Cnty. of Kalamazoo*, No. 24-1876 (6th Cir. April 10, 2026)**

Chase Lovell had a long history of severe mental illness, including schizoaffective and bipolar disorders, substance abuse, recurring suicidal ideation, and multiple prior suicide attempts, with escalating crises in 2020. In December 2020, after being readmitted to a psychiatric unit for active suicidal intent, Lovell set his hospital mattress on fire, tried to escape twice, attempted to cut his wrists, and told police he started the fire to kill himself, leading to his transfer to the Kalamazoo County Jail on arson charges.

At the jail, social worker Lindsey O'Neil, who managed the mental health unit, initially placed Lovell in a padded cell with a suicide-prevention gown and blanket after deciding to delay a full interview until the next day. The following morning O'Neil conducted a 20-minute suicide evaluation without having received most hospital records, during which Lovell denied current suicidality, admitted prior suicide attempts, and exhibited distress from the padded cell and gown, which O'Neil believed worsened his mental state. O'Neil implemented a compromise plan that moved Lovell to a medical cell, which is more secure than a regular cell, but less restrictive than a padded cell, allowed a regular jumpsuit, required a suicide-prevention blanket instead of regular bedding, requested continuous camera monitoring, and encouraged frequent staff interactions. Later that day Lovell again denied suicidality to a different social worker after a higher than expected bond upset him, but a miscommunication left him with normal bedding, and the next day he hanged himself with a sheet. Lovell's estate sued O'Neil and others under § 1983 for deliberate indifference and under the ADA, and the district court granted summary judgment to all defendants except O'Neil and dismissed the Monell and ADA claims. O'Neil appealed.

Legal Question(s):

1. Whether existing precedent in 2020 clearly established that the manager's compromise placement decision constituted deliberate indifference to a known suicide risk.

Holdings:

The court held that no clearly established law in 2020 would have put every reasonable official on notice that O'Neil's "compromise" placement decision—moving Lovell from a padded cell to a medical cell with a jumpsuit, requiring a suicide-prevention blanket, requesting continuous camera monitoring, and encouraging regular interactions—was a deliberately indifferent response to suicide risk. The court reversed the denial of qualified immunity by the lower court.

Analysis:

The Sixth Circuit addressed only the clearly established law prong of qualified immunity and reviewed de novo, opting to bypass whether O'Neil violated the Constitution because the governing rules in 2020 were unsettled and more demanding Eighth Amendment–equivalent standards applied to pretrial detainees at that time. To overcome qualified immunity then, the Estate had to show it was beyond debate that O'Neil's response to a known substantial suicide risk exceeded ordinary negligence, assuming without deciding the objective risk and O'Neil's subjective belief in a strong likelihood of suicide.

The court held no precedent clearly established that O'Neil's compromise response was unreasonable under the circumstances, emphasizing she balanced competing concerns by relieving distress from the padded cell and gown while mitigating suicide risk with a suicide-prevention blanket, enhanced monitoring, and staff engagement. Prior cases supported O'Neil, including qualified immunity where officials balanced suicide risks with other exigencies and where providing a suicide-prevention blanket, though not the most protective measure, did not constitute deliberate indifference. Of the cases the Estate cited *Comstock v. McCrary,* 273 F.3d 693, 703 (6th Cir. 2001), was the most on point, and even that case failed because the psychologist in *Comstock* removed all precautions after a cursory reassessment, unlike O'Neil who maintained precautions and monitoring while addressing Lovell's distress.

Plaintiff's reliance on *Finley v. Huss,* 102 F.4th 789 (6th Cir. 2024), was also misplaced because that case condemned prolonged segregation that aggravated an inmate's mental health, whereas O'Neil reduced isolation to alleviate distress. Unpublished decisions could not clearly establish law and were distinguishable for similar reasons, as they involved no action taken or transfers increasing distress, unlike O'Neil's measures. The court rejected the argument that general principles alone made this an obvious case, finding the need for analogous precedent given the specific circumstances and the balancing O'Neil performed. The court ended its analysis with this final thought, "In retrospect, should O'Neil have taken more precautions? Perhaps so. But qualified immunity exists to insulate state officials from damages liability when their conduct falls within the gray areas of the law. *See Rivas-Villegas*, 595 U.S. at 7. At most, O'Neil's conduct fell within such a gray area here. We thus reverse the district court's denial of qualified immunity and remand for further proceedings consistent with this opinion."

Note: Some of you may be questioning the genuineness of Lovell's distress in being in the padded cell and suicide prevention jacket, allow me to give further context to O'Neil's decision with an anecdote. When I was in law school I was invited to tour the Allegheny County Jail along with the other interns for judges in the Pittsburgh area. It was an incredibly eye-opening experience in many ways, but the part I remember most was the anti-suicide cell and anti-suicide smock the lieutenant

showed us. The cell was a very small padded room about 2/3 the size of the other cells, with only a raised padded slab for a bed and a hole in the ground for a toilet. It would be a stretch to call the smock clothing, and many times no other clothing is allowed to be worn with it (including underwear). If you have ever seen these things in person, it's easy to see why they are often a last resort. I asked the staff if they ever felt like the use of the smock and cell deteriorated an inmate's mental state further and many of them said they witnessed exactly that. The moral of the story is, thank a social worker if you can today. Often times, they too make life and death decisions just like lawyers and police officers and this case serves as a reminder that their jobs are incredibly difficult.

Lovell v. County of Kalamazoo

SHORT SUMMARIES:

7th Circuit - Sexually Explicit Images

While investigating a file-sharing service that was storing online sexually explicit images of underage girls in the local area, the police gave access to an "auxiliary" officer skilled in the digital world to help in identifying the underage girls. Trust in the auxiliary officer proved misplaced, as he kept and stored the images himself. He was later convicted for doing so and sentenced to 35 years. The victims sued the police officers who allowed the auxiliary officer access, alleging a violation of their substantive due process rights. The lower court dismissed the claims.

On appeal the panel affirmed and discussed the difficulty with bringing substantive due process challenges: "But a "person seeking relief under section 1983 for a violation of h[er] Fourteenth Amendment right to substantive due process faces a difficult task." *Robbin v. City of Berwyn*, 108 F.4th 586, 589 (7th Cir. 2024) (citation omitted). Articulating a substantive due process right requires "a 'careful description' of the asserted fundamental liberty interest" 6 Nos. 25-1917, 25-1918 & 25-1919 claimed to be violated. *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997) (citations omitted); see, e.g., *Christensen v. County of Boone*, 483 F.3d 454, 462 (7th Cir. 2007). Once articulated, that specific interest must be grounded in "[o]ur Nation's history, legal traditions, and practices." *Glucksberg*, 521 U.S. at 721. Both the Supreme Court and our court have cautioned that the "scope of substantive due process is very limited," and that judges should be "reluctant to expand the concept." The panel recognized that the police could and should have handled the matter better, "But the Due Process Clause is not a vehicle for judges to fashion evidence-sharing protocols in child pornography cases. Not every wrong is a constitutional one, and plaintiffs continue to press their statutory and common-law tort claims below. See *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189, 202 (1989) (Due Process Clause "does not transform every tort committed by a state actor into a constitutional violation"). The district court correctly dismissed the § 1983 claim."

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Doe v. Sloan

6th Circuit - Retaliatory Prosecution

A fellow owned a roofing company. The general contractor for a new police building selected the roofing company as a subcontractor. The fellow who owned the company won the election to become a city council member. Various votes occur over the ensuing years to fund or continue the police building contract, and the fellow votes on these. Another issue arises in the city regarding the funding of a water and sewer project for a development where two other council members live. The

project anticipates that the owners benefitted by the project will pay for it. Due to an administrative error, the city doesn't charge about $700,000 of the project off against the property owners. The council decides to eat the loss and the fellow objects and speaks out against it publicly. About a week later, the Mayor referred a conflict-of-interest complaint to the state ethics commission regarding the fellow's involvement in voting to advance contracts and funding for the police building. The fellow is indicted and acquitted. He sues. The lower court dismisses the claims. On appeal, the panel concludes that the indictment reflected probable cause; therefore, the claims fail. The panel discusses *Lozman* concluding that because the defendants' actions were all based on probable cause, *Lozman* supports dismissing the case.
Note: The panel did not mention *Gonzalez v. Trevino,* 144 S. Ct. 1663 (2024) *or Nieves v. Bartlett,* 587 U.S. 391 (2019).

Petsche vs. Hruby

10th Circuit - Malicious Prosecution

Suzanne Morphew went missing. Her husband, Barry, told the police some inconsistent tales about their life together. The police suspected the worst and eventually sought an arrest warrant based on a 129-page affidavit. According to Morphew, the affidavit excluded exculpatory facts and included misstatements. As the case proceeded to trial, discovery ensued. On the eve of trial, the prosecution dismissed the charge, and facts showed that the prosecution had withheld a significant amount of exculpatory information. Morphew filed suit against multiple defendants and on multiple claims. The lower court dismissed most on the basis that probable cause existed to support the arrest notwithstanding Morphew's claims of impropriety.

On appeal, the panel affirmed. Because the panel addressed multiple claims, the following summary from the court provides a brief outline of its analysis: "We are not persuaded. We first show each of Mr. Morphew's § 1983 claims—save his Fourteenth Amendment claims for fabrication of evidence and reckless investigation—depend on plausible allegations that he was arrested and prosecuted for Suzanne's murder without probable cause. Then, applying the relevant standards of review, we explain why the district court correctly concluded Mr. Morphew's complaint fails to plausibly allege the defendants lacked probable cause. We separately address Mr. Morphew's Fourteenth Amendment fabrication of evidence claim, which does not turn on pleading a lack of probable cause. Still, that claim must be dismissed on a related, albeit distinct, ground: Mr. Morphew has not plausibly alleged a causal connection between the fabricated evidence and his arrest and prosecution. Mr. Morphew's Fourteenth Amendment reckless investigation claim also requires sufficient allegations of causation that are absent here."
Note: The panel noted via footnote the sequel to this future Dateline episode. While the appeal was pending, the police discovered Suzanne's body and Morphew was again indicted. His trial is scheduled for October 13. The State of Colorado disbarred the District Attorney for withholding exculpatory evidence. If you've read this far and are still interested, you can learn more at **https://abcnews.com/US/barry-morphew-pleads-not-guilty-alleged-murder-wife/story?id=129144043**

Morphew vs. Chaffee County, CO.

6th Circuit – Wrongful Convictions

I tend not to report on District Court cases, but this was sent in by a member who wanted to share their city's victory and their general strategy for defending wrongful conviction cases, which was very effective in this case. Congrats to Cleveland on your successful dismissal. Plaintiff's friend Cordell Hubbard murdered Omar Clark on November 17, 2002, and an eyewitness later identified Plaintiff, leading to his arrest and joint prosecution with Hubbard. At their 2003 trial, Plaintiff testified that he and Hubbard were together at bars and events the night of the murder, attempting to corroborate the story with photographs. However, overwhelming evidence indicated Hubbard murdered Clark, and as a result, the jury did not believe Plaintiff's version of events and he was also convicted. After the verdict, Plaintiff moved for a new trial based on Hubbard's affidavit stating Plaintiff learned Hubbard was the shooter only after the verdict and that Plaintiff was not present at the shooting, but the motion was denied. A 2016 article portrayed Plaintiff as wrongfully convicted and his case was referred to the conviction integrity unit. However, later calls reflected Plaintiff's concern that his attorneys might discover when he actually learned Hubbard was the shooter. Later-obtained recordings show Plaintiff knew on the night of the shooting that Hubbard was the shooter, contradicting his and Hubbard's post-trial representations. On top of that, depositions and recorded prison calls authenticated by Plaintiff's wife revealed further misconduct, including arranging to pay an eyewitness to recant, ghostwriting a declaration for the victim's brother, and attempting to induce another eyewitness to recant with a week's salary. After these revelations, Plaintiff's counsel moved to withdraw and to stay or extend deadlines, and Defendants moved to dismiss with prejudice for fraud on the court.

The Court applied the Sixth Circuit's four-factor test for dismissal as a sanction and held each factor supported dismissal. The Court found willfulness and bad faith, concluding Plaintiff engaged in deliberate, years-long deception about when he knew the shooter's identity and recklessly disregarded legal consequences, including attempts to induce recantations for money. The Court found prejudice is presumed when fraudulent evidence is offered and that Defendants were forced to litigate for years on a false predicate while their investigation was impeded, including a witness invoking the Fifth Amendment in deposition. The Court considered lesser sanctions but found only dismissal with prejudice would deter future abuse given the scope of fraud. The Court acknowledged evidence suggesting Plaintiff was not involved in the murder but concluded his falsehoods and misconduct corrupted both his criminal case and this civil action beyond tolerance, warranting dismissal with prejudice. The opinion was emailed to me directly and I could not find an accessible updated docket with the opinion, but the news story below covers some of the fallout from this case.

Ru-El Sailor v. City of Cleveland

5th Circuit – 4th Amendment – Plain View

Officers had a warrant to search Albert Alexander's home for any and all firearms and related items, but instead found pellet rifles and numerous electronics and appliances in plain view, many new, packaged, wrapped, or placed on blankets, along with unused furniture stacked against walls. The officers had prior tips from Alexander's granddaughter and her girlfriend that he kept stolen electronics and had bragged about stealing without being caught, and Alexander's granddaughter and her girlfriend reaffirmed during the search that Alexander said the items were stolen. Alexander was arrested and charged instead for the theft of the property instead of for the guns the warrant granted the officers permission to look for, and the property was seized. Alexander filed a pro se section 1983 action in alleging Fourth, Fifth, Eighth, and Fourteenth Amendment violations, later narrowing to a Fourth Amendment challenge that officers conducted a general exploratory search

and seized property not listed in the firearms warrant. The district court granted summary judgment on qualified immunity grounds.

The court applied the four elements of plain view, requiring lawful entry, plain view of items, immediately apparent incriminating nature, and lawful access and found that these factors favored the officers because if the information they obtained from Alexander's granddaughter and their lawful presence in the house. Alexander argued that *Arizona v. Hicks* barred reliance on Strong's call to Morrison to establish probable cause, but the court held probable cause already existed from prior tips and on-scene observations before the call, and the call merely confirmed earlier information. Alexander also argued the search became a general exploratory search that should have ended once the reported "firearms" were discovered to be pellet rifles, relying on *Creamer v. Porter*, but the court distinguished *Creamer* because the firearms warrant here authorized a broad search for any and all firearms and ammunition and other family members had reported firearms, so discovery of pellet rifles did not exhaust the warrant's objective. The judgement of the district court was affirmed.