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FEATURE:

8th Circuit Holds Officers Not Entitled to Qualified Immunity for Excessive Force after Video Does Not Conclusively Contradict Plaintiff's Claims.
Young v. Keyes, No. 24-2763 (8th Cir. May 19, 2026)

Officer Keyes stopped Ronald Young on New Year's Eve 2019, after observing an illegal left turn noting signs of intoxication during the ensuing traffic stop. Keyes administered two field sobriety tests, during which Young ceased complying with directions after the second test. After the second test, Keyes requested a further alcohol screening test, Young declined to answer and continued asking questions, and Keyes stated he was done arguing. Young responded "no" and stepped toward Keyes, after which events escalated. According to the complaint, Keyes grabbed Young's arm without warning, ordered him to put his hands behind his back, and Rintamaki grabbed Young from the other side. Both officers then threw Young to the ground while controlling his arms, preventing him from protecting himself. During the ensuing scuffle, the officers yelled "stop resisting" and directed Young to put his hands behind his back, despite the fact that they were already holding his arms, and the dash video is unclear whether Young tried to pull his arms away before the takedown.

Young alleges the force broke his glasses, caused facial lacerations and chin cuts, and inflicted mental and emotional harm. Crucially, most of the encounter was captured on body and dash cam and neither party contested the authenticity of the recordings. The district court granted a motion to dismiss on qualified immunity grounds, finding the force de minimis and, alternatively, objectively reasonable, and Young appealed.

Legal Question(s):

1. Whether the district court erred in considering dash-camera and body-camera footage at the Rule 12(b)(6) stage as "embraced by the pleadings," when neither party disputed the videos' authenticity.

2. Whether, taking the complaint's facts as true except where conclusively contradicted by video, the officers used objectively unreasonable force in violation of the Fourth Amendment under the Graham factors?

Holdings:

The court held that the officers are not entitled to dismissal on qualified-immunity grounds at this stage because, taking the complaint as true and the videos as inconclusive, Young alleged a violation of clearly established Fourth Amendment rights.

Analysis:

The crux of the court's analysis centered on the video that was not disputed by either side. The court reiterated that qualified immunity turns on whether the facts show a constitutional violation and whether the right was clearly established. Excessive force under the Fourth Amendment is assessed under the *Graham* factors for objective reasonableness, considering the severity of the crime, immediate threat, and active resistance or flight.

On the first Graham factor, the court acknowledged that suspected DUI is serious given potential danger, but the threat is heightened when the suspect is in control of a running vehicle, which Young was not; also noting that in North Dakota, DUI is a misdemeanor. On immediate threat, the court held that Young did not pose an immediate threat. While the situation was tense and arguably escalating it was ultimately nonthreatening, and argumentativeness alone does not justify force. The only potential threat was Young's step toward Keyes with a single "no," which does not establish an imminent threat. The officers' additional circumstances arguments are not conclusively supported by the video and do not show an immediate threat, at least according to the majority. On resistance, at the pleading stage, the complaint does not allege resistance, and the videos do not conclusively show resistance; the footage does not show resistance before Keyes grabbed Young, any apparent arm pullback on the dash video is inconclusive, and the "stop resisting" commands do not provide a clear view of Young's actions. Because Young was a nonviolent misdemeanant, with no conclusive evidence of threat or resistance, his clearly established right to be free from excessive force applied here. Force is least justified against nonviolent misdemeanants who neither flee nor actively resist. Taking Young's allegations as true and finding that the video did not conclusively contradict the complaint, the court reversed and remanded.

The dissent in this case was also worth mentioning for readers who defend excessive force cases. Judge Grasz concurred that the videos may be considered at the 12(b)(6) stage when authenticity is undisputed and clarifies that such evidence is embraced by the pleadings only under that condition. However, he dissented on the second issue, concluding the footage blatantly contradicts the complaint and shows the force was objectively reasonable, warranting qualified immunity and affirmance. He describes the video as showing Young becoming aggravated, stepping toward Keyes, raising his right arm, struggling when officers sought to seize his arms after instructing him to put his hands behind his back, and resisting by pulling away, justifying a takedown to effect arrest. He acknowledges officers prolonged testing and could have arrested earlier, but views that as not changing the result, and agrees takedowns are more than de minimis force. Many of our members who defend excessive-force cases have noted the limitations of video evidence, particularly when it does not capture the full context of an incident. This case illustrates that such concerns may persist even when the parties agree that the recording depicts the vast majority of the relevant events. At the pleading stage, video evidence may still be insufficient to resolve disputed claims, as reasonable minds can differ not just on the context the video doesn't show, but in their interpretation of the footage itself.

SHORT SUMMARIES:

11th Circuit – Land Use - Telecommunications

In 2010, T-Mobile applied to build a cell tower on 2.8 acres of vacant residential land in Roswell, Georgia. The City denied the application under a zoning ordinance that required permits and consideration of nine factors. T-Mobile sued under the Telecommunications Act, alleging a lack of substantial evidence, an effective prohibition due to an unfillable coverage gap, and unreasonable discrimination, and sought an injunction compelling permit issuance. After a year-long court battle and an eventual remand, Roswell again denied the application in 2017, a bench trial followed, and the district court enjoined Roswell from issuing permits after finding a significant service gap and no viable alternatives.

The Eleventh Circuit held that 47 U.S.C. § 332(c)(7)(B)(i)'s ban on regulation that prohibits or has the effect of prohibiting service applies to municipal rules governing siting, not to denials of individual permits. The court rejected the "significant gap" test other circuits had employed to interpret the statute as inconsistent with the statute's text, context, and structure, concluding providers must challenge rules that control siting, not single permit denials. The court explained individual denials cannot, by themselves, show effective prohibition. Providers must show that the governing rules make alternative sites unavailable, and may prove unwritten rules through patterns of decisions, though this as-applied path carries a heavy burden. As eluded to above, this decision does create a circuit split as to the interpretation of 47 U.S.C. § 332(c)(7)(B)(i) and which test should be applied as a result.

T-Mobile South, LLC v. City of Roswell, Georgia

2nd Circuit - Fourth Amendment – Family Law

This is a rather unconventional area of the law for local government attorneys, but for those of you whose cities and counties are heavily involved in child protection and custody services, this case may be relevant to your practice. K.A. was born on March 2, 2017, and was discharged into his father K.W.'s custody. On March 7, 2017, New York's Administration for Children's Services (ACS) employee Moody conducted a home welfare check, raised no concerns about K.W., and instructed K.W. to bring K.A. to ACS the next day, leaving the infant with K.W. overnight. On March 8, 2017, after K.W. brought K.A. to ACS, staff removed the infant from K.W. without a court order, citing the mother's ACS history and claiming an emergency. That same day, the City filed a Family Court petition alleging neglect only against the mother, designated K.W. as a non-respondent with no wrongdoing, and left the sections explaining exigency and reasonable efforts to avoid removal blank. The Family Court kept K.A. with ACS, finding no suitable relative and relying on allegations regarding the mother, with no mention of K.W. as caretaker. K.A. remained in foster care for nearly three years, while K.W. had limited supervised visitation and completed services despite no allegations of unfitness against him. K.A. returned to K.W.'s care in December 2019. K.W. later obtained full custody in August 2020 and filed suit against New York, arguing that he and his son's Fourth and Fourteenth Amendment rights were violated by the city.

The court held K.W.'s complaint plausibly states a Fourth Amendment claim for unreasonable seizure. By removing K.A. without a court order when there was reasonably sufficient time to obtain one, the overnight delay, lack of new information, and rapid post-removal order, the court found the

claim sufficient. It rejected the City's argument that the later Family Court order retroactively established probable cause for the initial warrantless seizure. The court also held the complaint overcomes the post-order presumption of probable cause by alleging Moody's intentional or reckless misstatements and omissions that excluded K.W.'s fitness and caretaking, which were material to the order. The court further found K.A. states a Fourteenth Amendment procedural due process claim for both the pre-order removal and post-order retention because the State failed to provide notice and a hearing addressing K.W.'s fitness and improperly placed K.W. in "procedural purgatory" by not initiating proceedings against him. Importantly for IMLA members, the court found that qualified immunity does not protect Moody for the pre-order seizure, which violated clearly established law requiring exigency when time exists to obtain an order, nor for alleged misrepresentations and prolonged retention without initiating proceedings against K.W.

K.W. v. The City of New York

7th Circuit - Excessive Force

A fellow, in the midst of divorcing his wife near the holiday season, voluntarily intoxicates himself. He goes to their home and after he imbibes too much, the wife leaves taking his keys with her. He goes next door to the neighbor and asks for a ride, but the neighbor has guests and declines. He returns home, and the neighbor hears what he believes to be a gunshot and calls the emergency line. A bunch of officers respond and varyingly believe to hearing gunshots coming from the home. As they approached the house, officers saw a man entering the garage, and they believed they heard more gunshots. The man closes the garage door. Thus began a 6-hour standoff with SWAT involved and negotiators introduced into the frame. Neighbors told the police that the home held a number of firearms. The officers decided they had probable cause to believe the man had committed disorderly conduct and endangering public safety, which gave them the opportunity to arrest him. Eventually, the officers used foam bullets to breach the windows and a bearcat to breach the front door.

Once accosted inside the fellow asked to speak to an officer by name, but was told the officer was off-duty. The man expressed dissatisfaction with the police presence and asked them, not so nicely, to leave. The police shot him with the foam bullets, which apparently can be quite painful. Confusion arose when officers ordered the fellow to take conflicting actions. They used a foam bullet again and as he was agonizing, they tackled him and subdued him. On appeal, the Plaintiff nonchalantly argued claims for property damage and failure to intervene, so the panel found those claims abandoned. The closer question involved whether entry to the home without a warrant was justified. The police engaged in a six-hour standoff, which likely could have been enough time to get a warrant, but they did not. The panel concluded exigency prevailed. As to excessive force, the panel concluded that the Plaintiff had not identified a case that clearly directed the police not to act as they had. The judge concurring in the judgment pointed out that qualified immunity precedent creates something of a divide between the Constitution and an officer's liability.

Jackson vs. City of Madison

The IMLA Legal Team would like to take a moment to honor a former member who recently passed away, David F. McGuire. David was the longtime City Attorney for the City of Cedar Rapids, Iowa, as well as a few smaller cities in Iowa. He was also the State Chair for Iowa at IMLA. He will be missed by all of us at IMLA, and our thoughts are with him and his family.