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Waldron v. Roark

Supreme Court of Nebraska - October 13, 2017 - N.W.2d - 298 Neb. 26 - 2017 WL 4558891

Homeowner, who was injured when county deputy sheriff entered her home to serve arrest warrant on homeowner's grandson, brought § 1983 action against sheriff in his individual and official capacities, alleging that sheriff's actions violated her civil rights under the Fourth Amendment.

The District Court granted sheriff summary judgment. Homeowner appealed. The Supreme Court reversed and remanded. On remand, the trial court granted sheriff summary judgment on the basis of qualified immunity. Homeowner appealed.

The Supreme Court of Nebraska held that:

- Sheriff was entitled to qualified immunity with respect to knock-and-announce claim;
- Sheriff was entitled to qualified immunity with respect to probable cause claim;
- Sheriff was entitled to qualified immunity with respect to excessive force claim; and
- Homeowner failed to establish that sheriff's actions amounted to official policy by county and, thus, county could not be held liable for sheriff's actions.

Regardless of whether exigent circumstances actually existed to justify county deputy sheriff's no-knock entry into home, law was not so clearly established that a reasonable official could not have believed that no-knock entry was lawful and, thus, sheriff was entitled to qualified immunity in § 1983 Fourth Amendment action brought by homeowner, who was allegedly injured when sheriff entered home to serve arrest warrant on homeowner's grandson; sheriff indicated that, as he approached home, he saw grandson inside, but that when he reached the door, he could no longer see grandson, who he said could be a dangerous person, based on his knowledge of grandson's prior law enforcement contacts, including prior weapons offenses.

Regardless of whether county deputy sheriff had probable cause to arrest homeowner for obstructing government operations, law was not so clearly established that every reasonable officer standing in sheriff's shoes would have believed there was no probable cause and, thus, sheriff was entitled to qualified immunity in § 1983 Fourth Amendment action brought by homeowner, who was allegedly injured when sheriff entered home to serve arrest warrant on homeowner's grandson, and arrested homeowner in the process; homeowner admitted she was obstructing and hindering sheriff in commission of his duties, claiming only that she was unaware he was an officer, even though she admitted sheriff told her he was law enforcement officer looking for grandson after entering home.

Even if county deputy sheriff used excessive force in arresting homeowner, law was not so clearly established that every reasonable officer would have known that sheriff's conduct was unlawful and, thus, sheriff was entitled to qualified immunity in § 1983 Fourth Amendment action brought by homeowner after she was arrested for obstructing government operations when sheriff entered home to serve arrest warrant on homeowner's grandson; at time sheriff used force to arrest homeowner, homeowner had been screaming "get out of my house" while sheriff was still trying to assess whether grandson's friend, whom sheriff discovered in basement, was a danger, and while

grandson himself was still at large, and homeowner had repeatedly failed to listen to sheriff's instructions, actively resisting arrest.

Homeowner failed to establish that alleged acts of county deputy sheriff in forcing his way into her home without showing a badge, refusing to show either a badge or warrant despite repeated requests, and subjecting her to physical force despite knowledge that she had an injury amounted to official policy by the county and, thus, county could not be held liable in homeowner's § 1983 action premised on sheriff's actions after entering home to execute warrant for arrest of homeowner's grandson; county sheriff's office's standard operating procedures did not condone any of sheriff's alleged actions, and homeowner merely speculated that it was reasonable to infer that sheriff's beliefs were premised on the county's unofficial custom.