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Heard v. Dulayev

United States Court of Appeals, Tenth Circuit - March 29, 2022 - F.4th - 2022 WL 905105

Suspect brought § 1983 action against police officer and city, alleging that officer used excessive force against him in violation of his Fourth Amendment rights, and that city failed to adequately train and supervise its officers with respect to the use of force.

The United States District Court for the District of Colorado denied defendants' motion for summary judgment. Suspect appealed.

The Court of Appeals held that:

- Court of Appeals had appellate jurisdiction to decide whether officer's use of a stun gun was justified;
- Officer was entitled to qualified immunity; and
- Court of Appeals would decline to exercise pendent appellate jurisdiction over § 1983 claim against city.

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