

# **Bond Case Briefs**

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## **GOVERNMENTAL IMMUNITY - WEST VIRGINIA**

### **Haines v. Shirley**

**United States District Court, N.D. West Virginia, Martinsburg - April 16, 2013 - Slip Copy - 2013 WL 1636580**

County sheriff Robert “Bobby” Shirley savagely beat a handcuffed suspect following a high-speed chase.

The sheriff brought a motion to dismiss plaintiff’s official capacity claim, arguing that the plaintiff had failed to identify any municipal policy or custom of the Jefferson County Commission which violated plaintiff’s rights under §1983. Additionally, defendants argued that the plaintiff had presented the court with no evidence that would causally link any act or omission on the part of the Jefferson County Commission with any alleged deprivation of plaintiff’s rights under §1983.

The district court agreed, dismissing the official capacity claim.