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Lenz v. Town of Carney, Okla.

United States District Court, W.D. Oklahoma - February 3, 2014 - Slip Copy - 2014 WL 359210

Town Police Chief resigned and returned all Town property to the Police Department. Police officers then fraudulently obtained a search warrant to search the Chief's home for the purpose of recovering Town property they knew had been returned.

The Chief sued, alleging a variety of Fourth Amendment and state tort law claims. The officers argued that they were entitled to qualified immunity from Plaintiff's § 1983 claim. The District Court found that the Chief had stated a claim that was plausible on its face and thus those claims would survive the officers' motion to dismiss.

The Chief also alleged that the Town was liable because it failed to properly supervise, train, and discipline the officers and those failures led to the constitutional violation. The Chief also alleged that the actions of officers in securing the search warrant were part of a policy or custom. The Court found that the Chief had failed to establish either of these claims and dismissed his §1983 claims against the Town.

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