

Bond Case Briefs

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LIABILITY - TEXAS

Kitchen v. Dallas County, Tex.

United States Court of Appeals, Fifth Circuit - July 17, 2014 - F.3d - 2014 WL 3537022

Widow of pretrial detainee who died of asphyxiation while he was being extracted from his jail cell brought § 1983 action against county, detention officers, and others, alleging, inter alia, that defendants used excessive force and acted with deliberate indifference to detainee's medical needs. Defendants moved for summary judgment. The District Court granted the motion in its entirety, and plaintiff appealed.

The Court of Appeals held that:

- Genuine issues of material fact existed as to whether excessive force was used against detainee;
- Addressing an issue of first impression for the court, plaintiff's claims against detention officers were eligible for analysis under an alternative theory of bystander liability, even though plaintiff failed to identify with specificity the individual or individuals responsible for the underlying use of excessive force;
- Plaintiff failed to demonstrate that defendants acted with deliberate indifference to detainee's medical needs, even though they failed to contact medical staff prior to attempting to extract detainee from his cell; and
- Plaintiff did not establish that county failed to provide proper training to personnel located in facility's North tower, as required to prevail on her Monell claim for municipal liability.