

Bond Case Briefs

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LIABILITY - TENNESSEE

Epperson v. City of Humboldt, Tenn.

United States District Court, W.D. Tennessee, Eastern Division - October 21, 2015 - F.Supp.3d - 2015 WL 6440740

Decedent's mother, sister, and daughter filed § 1983 action in state court against city, its police chief, and police officers alleging that officers' use of excessive force during detention caused decedent's death. After removal, defendants' moved to dismiss.

The District Court held that:

- Decedent's mother and sister lacked standing to file § 1983 action;
- City was not subject to liability under § 1983;
- Officers did not deprive decedent of his substantive due process rights; and
- Court would not exercise supplemental jurisdiction over plaintiffs' claims under Tennessee Governmental Tort Liability Act (GTLA).

City was not subject to liability in § 1983 action alleging that its police officers used excessive force against mentally impaired person, absent showing that city was on notice of pattern or practice of unconstitutional uses of force by officers in its employ against mentally impaired persons or others who could not comply with instructions, that it had custom of ignoring violations or failing to discipline officers who engaged in such behavior, or that city failed to adequately prepare for recurring situations where constitutional violation would be likely to take place.