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Heeter v. Bowers

United States Court of Appeals, Sixth Circuit - April 29, 2024 - 99 F.4th 900

Plaintiffs filed § 1983 action in state court against city police department and police officer alleging that officer used excessive force against suicidal individual and failed to administer aid after shooting him.

After removal, the United States District Court for the Southern District of Ohio denied defendants' motion for summary judgment, and they appealed.

The Court of Appeals held that:

- It had jurisdiction over defendants' interlocutory appeal;
- Summary judgment on qualified immunity grounds was not warranted on excessive force claim against officer;
- It was clearly established that suicidal individual had right not to be shot unless he posed threat of serious or deadly harm to officers;
- Summary judgment on qualified immunity grounds was not warranted on claim of deliberate indifference to serious medical need;
- It was clearly established at time of shooting that officer had obligation under Due Process Clause to provide adequate medical care after shooting;
- It had jurisdiction to review district court's denial of state law immunity;
- City was statutorily immune from liability arising from incident; and
- Summary judgment on basis of state law immunity was not warranted with regard to officer.

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