

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Mark Mortensen v. Dwight Arrowood, et al.

Mortensen v. Arrowood · No. 23 cv 6150 · Decided December 3, 2025

SUMMARY

The United States District Court for the Northern District of Illinois grants the defendants’ motion for summary judgment in Mark Mortensen’s 42 U.S.C. § 1983 action. The court concludes that the K9 deployment and approximately 20-to-21-second bite were objectively reasonable under the Fourth Amendment, that the other officers had no reasonable opportunity to intervene, and that the Monell claim therefore fails.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Sunil R. Harjani
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	December 3, 2025
DOCKET	23 cv 6150
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 alleging excessive force, failure to intervene, and municipal liability arising from a police K9 apprehension. Defendants moved for summary judgment, which the court granted on all counts.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views evidence and draws justifiable inferences in favor of the nonmovant, except where clear video evidence blatantly contradicts the nonmovant's version of events. Excessive force is reviewed under the Fourth Amendment's objective-reasonableness standard, considering the totality of the circumstances and the Graham factors.

PRECEDENTIAL VALUE

Unpublished district court memorandum opinion and order; persuasive but not binding precedent.

TOPICS

section 1983 qualified immunity police misconduct summary judgment civil rights

PRACTICE AREAS

Civil rights constitutional law police misconduct civil procedure summary judgment

QUESTIONS PRESENTED

1. Whether Deputy Arrowood's initial deployment of the K9 against Mortensen constituted excessive force under the Fourth Amendment.
2. Whether Deputy Arrowood's allowing the K9 to bite Mortensen for approximately 20 to 21 seconds after Mortensen was knocked to the ground and yelled that he was down constituted excessive force.
3. Whether Deputy Arrowood was entitled to qualified immunity on the excessive-force claims.
4. Whether the other officers failed to intervene despite having reason to know excessive force was being used and a realistic opportunity to intervene.
5. Whether the Lake County Sheriff could be liable under Monell for inadequate training, supervision, or control when there was no underlying constitutional violation.

HOLDINGS

1. Deputy Arrowood's deployment of the K9 was objectively reasonable under the Fourth Amendment because Mortensen was wanted for a serious crime, was actively fleeing from multiple police vehicles, and posed an immediate danger to officers and the public by running through traffic.
2. The continued K9 bite for approximately 20 to 21 seconds was not objectively unreasonable because the incident occurred rapidly, Mortensen had been actively fleeing until apprehended, and the K9 released before he was handcuffed.
3. Deputy Arrowood was entitled to qualified immunity because the undisputed facts did not establish a constitutional violation and the conduct was materially more like the conduct found reasonable in Johnson than the conduct found unreasonable in Becker.
4. The other officers were entitled to summary judgment on the failure-to-intervene claim because no underlying excessive-force violation occurred.
5. The Lake County Sheriff could not be liable under Monell because the undisputed facts established no underlying constitutional violation.

KEY QUOTATIONS

"A police officer's ability to make an arrest "necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.""

“This inquiry requires an examination of the ‘totality of the circumstances to determine whether the intrusion on the citizen’s Fourth Amendment interests was justified by the countervailing government[al] interests at stake.’”

“significant force is unreasonable after a suspect has stopped resisting or evading arrest.”

“An officer who is present and fails to intervene to prevent other law enforcement officers from infringing the constitutional rights of citizens is liable under § 1983 if that officer had reason to know: (1) that excessive force was being used, (2) that a citizen has been unjustifiably arrested, or (3) that any constitutional violation has been committed by a law enforcement official; and the officer had a realistic opportunity to intervene to prevent the harm from occurring.”

FACTUAL BACKGROUND

Police arrested or detained Mortensen in connection with a domestic-battery complaint and brought him to a hospital after he complained of chest pains. Mortensen left the hospital without being discharged, and officers later located him at a gas station, where video evidence showed him running from multiple police vehicles, dodging the vehicles, and crossing a busy intersection. Deputy Arrowood deployed his K9, which apprehended Mortensen and bit his calf for approximately 20 to 21 seconds before Arrowood ordered the dog to release; the other officers arrived during or after the bite and lacked control over the K9. Mortensen had pleaded guilty to reduced charges of domestic battery and attempted escape.

PROCEDURAL HISTORY

Mortensen filed a Second Amended Complaint against several Lake County law-enforcement defendants. After discovery and submission of statements of material facts, Defendants moved for summary judgment. The district court granted the motion and entered judgment for Defendants on all counts.

DISPOSITION

other

CASES CITED

- Horton v. Pobjecky, 883 F.3d 941, 944 (7th Cir. 2018)
- Scott v. Harris, 550 U.S. 372, 378-81 (2007)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-49, 255 (1986)
- Cyrus v. Town of Mukwonago, 624 F.3d 856, 861-62 (7th Cir. 2010)
- Catlin v. City of Wheaton, 574 F.3d 361, 367 (7th Cir. 2009)
- Graham v. O'Connor, 490 U.S. 386, 396-97 (1989)
- Jacobs v. City of Chicago, 215 F.3d 758, 773 (7th Cir. 2000)
- Johnson v. Scott, 576 F.3d 658, 659-61 (7th Cir. 2009)
- Alicea v. Thomas, 815 F.3d 283, 286, 288-90 (7th Cir. 2016)
- Trexler v. City of Belvidere, 716 F. Supp. 3d 662, 667-74 (N.D. Ill. 2024)

- Davis v. Allen, 112 F.4th 487, 489-95 (7th Cir. 2024)
- Abbott v. Sangamon County, Ill., 705 F.3d 706, 730-33 (7th Cir. 2013)
- Becker v. Elfreich, 821 F.3d 920, 923-29 (7th Cir. 2016)
- Pryor v. Corrigan, 124 F.4th 475, 488 (7th Cir. 2024)
- Smith v. Finkley, 10 F.4th 725, 737 (7th Cir. 2021)
- Doxtator v. O'Brien, 39 F.4th 852, 864-65 (7th Cir. 2022)
- Yang v. Hardin, 37 F.3d 282, 285 (7th Cir. 1994)
- Abdullahi v. City of Madison, 423 F.3d 763, 767-68, 774 (7th Cir. 2005)
- Lanigan v. East Hazel Crest, Ill., 110 F.3d 467, 478 (7th Cir. 1997)
- Harper v. Albert, 400 F.3d 1052, 1064 (7th Cir. 2005)
- Sallenger v. City of Springfield, 630 F.3d 499, 505 (7th Cir. 2010)
- Jenkins v. Bartlett, 487 F.3d 482, 492 (7th Cir. 2007)

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