

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Jaelyn Bishop v. Michael J. Carnevale

Civil Action No. 23-837-RGA (D. Del. Jan. 22, 2026) · No. Civil Action No. 23-837-RGA · Decided January 22, 2026

SUMMARY

The United States District Court for the District of Delaware denied Jaelyn Bishop’s motion for partial summary judgment against police officer Michael J. Carnevale. The court held that a reasonable juror could find the defendant’s use of force objectively reasonable under the circumstances and declined to grant summary judgment on the assault and battery claims because issues of wanton negligence and malicious intent remained for the trier of fact. The court also concluded that judicial economy favored resolving the related claims and damages issues together at trial.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Richard G. Andrews
JURISDICTION	United States District Court for the District of Delaware
DECIDED	January 22, 2026
DOCKET	Civil Action No. 23-837-RGA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for partial summary judgment on her 42 U.S.C. § 1983 excessive-force claim and state-law assault and battery claims. The court denied the motion.
STANDARD OF REVIEW	On a motion for summary judgment, the court views the evidence in the light most favorable to the nonmoving party and draws all reasonable inferences in that party’s favor. For the excessive-force claim, the court evaluates objective reasonableness from the perspective of a reasonable officer on the scene, considering the facts and circumstances known to the officer at the time and legitimate institutional-security interests.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court memorandum order
PARTIES	Jaelyn Bishop v. Michael J. Carnevale

TOPICS

section 1983

police misconduct

summary judgment

assault

battery

PRACTICE AREAS

civil rights

civil procedure

constitutional torts

law enforcement liability

Delaware tort law

QUESTIONS PRESENTED

1. Whether Bishop was entitled to summary judgment on her § 1983 excessive-force claim when the undisputed video evidence showed the officer dragging and grabbing her but the officer offered testimony that his conduct was necessary to secure her and maintain institutional order.
2. Whether Bishop was entitled to summary judgment on her Delaware assault and battery claims when the officer's stated rationale, viewed in his favor, could support a finding that he did not act with wanton negligence or willful and malicious intent.
3. Whether judicial economy supported denying partial summary judgment because the claims and damages issues would substantially overlap at trial.

HOLDINGS

1. Summary judgment for the plaintiff was unwarranted because, viewing the officer's testimony in the light most favorable to him, a reasonable juror could find that his actions were objectively reasonable from the perspective of a reasonable officer on the scene.
2. Summary judgment for the plaintiff was unwarranted because the officer's stated rationale, taken as true, did not establish wanton negligence or malicious intent as a matter of law, and whether conduct was wanton is ordinarily a question for the trier of fact.
3. The court could appropriately deny partial summary judgment where granting it would not shorten or simplify the trial and the issues overlapped substantially with claims and damages issues remaining for trial.

KEY QUOTATIONS

“The determination of what meets this standard “turns on the facts and circumstances of each particular case,” and I “must make this determination from the perspective of a reasonable officer on the scene, including what the officer knew at the time, [and] not with the 20/20 vision of hindsight.”” (576 U.S. at 397)

“The Delaware Supreme Court has defined “wanton negligence” as “such conduct as exhibits a conscious indifference to consequences in circumstances where probability of harm to another... is reasonably apparent” and requires that the actor evince “an ‘I-don’t-care’ attitude.”” (133 A.3d at 547)

“For the foregoing reasons, Plaintiff’s motion for partial summary judgment (D.I. 38) is DENIED.” (Order)

FACTUAL BACKGROUND

On August 30, 2021, sixteen-year-old Jaelyn Bishop appeared at the New Castle County Police Department to surrender on an arrest warrant. Video evidence showed Carnevale, then a police officer, grabbing Bishop by her hair, forcing her into a detention cell, and later dragging her face-down by her handcuffs along the floor for

approximately ten seconds. Bishop was substantially smaller than Carnevale, and Carnevale did not dispute the events depicted in the videos. Carnevale testified that he acted to secure Bishop quickly because of facility-separation rules and uncertainty about whether Bishop's father might become aggressive.

PROCEDURAL HISTORY

Bishop brought claims arising from an encounter with Carnevale, a New Castle County police officer, including excessive force under § 1983, assault, battery, intentional infliction of emotional distress, and punitive damages. After discovery, Bishop moved for partial summary judgment. The court considered the parties' briefing and heard oral argument, then denied the motion because a reasonable juror could find that the officer's conduct was objectively reasonable and because the evidence did not establish wanton negligence or willful and malicious intent as a matter of law.

DISPOSITION

other

CASES CITED

- Kingsley v. Hendrickson, 576 U.S. 389, 397 (2015)
- Scott v. Harris, 550 U.S. 372, 380 (2007)
- Wishkin v. Potter, 476 F.3d 180, 184 (3d Cir. 2007)
- McCaffrey v. City of Wilmington, 133 A.3d 536, 547 (Del. 2016)
- Adams v. Klein, 2020 WL 2404772, at *4 (D. Del. May 12, 2020)
- Adams v. Klein, 2022 WL 1658700 (3d Cir. May 25, 2022)