

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Toure v. District of Columbia

Civil Action No. 24-cv-2843 (JMC) (D.D.C. Mar. 23, 2026) · No. Civil Action No. 24-2843 (JMC) · Decided March 23, 2026

SUMMARY

The United States District Court for the District of Columbia grants in large part and denies in part Defendants’ motion to dismiss Chermo Toure’s amended complaint arising from an alleged assault by an MPD officer. The court dismisses Toure’s constitutional and negligence per se claims against the District and dismisses all claims against the named MPD officials, while allowing his assault and battery claim against the District to proceed. The court also addresses MPD’s non-suable status and notes that claims against Officer Nicholas King are not affected because he had not appeared in the case.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Jia M. Cobb
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 23, 2026
DOCKET	Civil Action No. 24-2843 (JMC)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants District of Columbia, Pamela A. Smith, Jeffery Carroll, and Marvin Haiman moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Toure's amended complaint. The court granted the motion in large part, dismissing MPD, the individual defendants, all constitutional claims against the District, and the negligence per se claim, while allowing the assault and battery claim against the District to proceed.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint states a facially plausible claim for relief. Conclusory legal assertions and unsupported inferences are not accepted, although pro se pleadings are held to less stringent standards and may be considered together with responsive filings.

PRECEDENTIAL VALUE

Published district court memorandum opinion; persuasive authority but not binding precedent outside the case

TOPICS

motions to dismiss

section 1983

municipal liability

civil procedure

torts

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal law

torts

QUESTIONS PRESENTED

1. Whether MPD is a suable entity under District of Columbia law.
2. Whether Toure plausibly alleged First, Fourth, or Fifth Amendment violations against the District under 42 U.S.C. § 1983.
3. Whether Toure plausibly alleged municipal liability under Monell against the District.
4. Whether Toure plausibly alleged personal involvement by Smith, Carroll, or Haiman sufficient to support individual-capacity § 1983 or tort liability.
5. Whether Toure stated a negligence per se claim under District of Columbia law.
6. Whether Toure stated an assault and battery claim against the District under respondeat superior.
7. Whether Toure's motions for additional filings, an emergency hearing, and entry of default should be granted.

HOLDINGS

1. The Metropolitan Police Department is non sui juris and is not an entity that may be sued.
2. Toure failed to plead municipal liability under § 1983 because, although his allegations potentially suggested a Fourth Amendment excessive-force violation, he did not plead facts plausibly showing that a District policy, custom, deliberate-indifference-based failure to train, or policymaker decision caused the alleged violation.
3. The alleged unprovoked assault by a uniformed officer could constitute excessive force in violation of the Fourth Amendment, but the claim was dismissed against the District because Toure failed to plead the municipal-liability causation element.
4. Toure failed to state First Amendment retaliation, substantive due process, or equal protection claims.
5. Toure failed to state § 1983 or assault and battery claims against the individual MPD officials because he did not allege facts showing their personal involvement or individual actions causing the alleged injury, and supervisory status does not establish vicarious liability.
6. Toure failed to state a negligence per se claim because he did not identify a qualifying statute or regulation imposing a specific duty on the defendants and intended to protect persons like him.

7. Toure sufficiently pleaded an assault and battery claim against the District because he alleged that a uniformed MPD officer assaulted him while on duty and acting within the scope of employment.
8. The court denied Toure's remaining motions, including motions for leave to file additional notices or pleadings, an emergency hearing, and entry of default.

KEY QUOTATIONS

“But a municipality, like the District, can only be held liable under § 1983 “where the municipality itself causes the constitutional violation at issue.”” (at 5)

“In sum, the only potentially viable constitutional cause of action here is Toure’s Fourth Amendment claim.” (at 8)

“Because Toure has pleaded only conclusory allegations to support a claim for municipal liability against the District, the Court dismisses all his constitutional claims against the District of Columbia, including for alleged violations of the Fourth Amendment.” (at 11)

“So, the Court will permit Toure’s assault and battery claim against the District to proceed.” (at 15)

“The Court will continue until further notice to enforce its limiting order, requiring Toure to first seek leave of court before filing a submission in this case, unless otherwise directed.” (at 18)

FACTUAL BACKGROUND

Toure alleged that, while visiting Washington, D.C., he encountered a uniformed MPD officer near 703 15th Street NW in the early morning of August 31, 2024. He claimed the officer punched him without provocation, put brass knuckles or rings on his hand, and assaulted him again, causing facial lacerations treated at Howard University Hospital. Toure sued the District, MPD, several high-level MPD officials, and initially an unidentified officer, alleging constitutional violations and common-law tort claims.

PROCEDURAL HISTORY

Toure filed the action on September 26, 2024, and filed an amended complaint on October 11, 2024, before any defendant appeared. He initially identified the alleged assailant as a John Doe officer. During early discovery he identified the officer as Nicholas King, and the court permitted substitution of King for the Doe defendant; King had not been served or appeared and was not a party to the motion to dismiss. The court considered the pending motion to dismiss and several motions by Toure concerning additional filings, amendment, discovery, and default.

DISPOSITION

other

CASES CITED

- Hunt v. District of Columbia, No. 02-7044, 2002 WL 1997987, at *1 (D.C. Cir. Aug. 29, 2002) (per curiam)
- City of Canton v. Harris, 489 U.S. 378 (1989)

- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978)
- *Baker v. District of Columbia*, 326 F.3d 1302 (D.C. Cir. 2003)
- *United States v. Castle*, 825 F.3d 625 (D.C. Cir. 2016)
- *Brown v. Texas*, 443 U.S. 47 (1979)
- *Johnson v. District of Columbia*, 528 F.3d 969 (D.C. Cir. 2008)
- *Aref v. Lynch*, 833 F.3d 242 (D.C. Cir. 2016)
- *County of Sacramento v. Lewis*, 523 U.S. 833 (1998)
- *Women Prisoners of D.C. Department of Corrections v. District of Columbia*, 93 F.3d 910 (D.C. Cir. 1996)
- *Mpras v. District of Columbia*, 74 F. Supp. 3d 265 (D.D.C. 2014)
- *Bolling v. Sharpe*, 347 U.S. 497 (1954)
- *Bell v. Wolfish*, 441 U.S. 520 (1979)
- *Warren v. District of Columbia*, 353 F.3d 36 (D.C. Cir. 2004)
- *Singletary v. District of Columbia*, 766 F.3d 66 (D.C. Cir. 2014)
- *Patrick v. District of Columbia*, 179 F. Supp. 3d 82 (D.D.C. 2016)
- *Sheikh v. District of Columbia*, 77 F. Supp. 3d 73 (D.D.C. 2015)
- *Connick v. Thompson*, 563 U.S. 51 (2011)
- *Roe v. Wilson*, 365 F. Supp. 3d 71 (D.D.C. 2019)
- *Blue v. District of Columbia*, 811 F.3d 14 (D.C. Cir. 2015)
- *Elkins v. District of Columbia*, 690 F.3d 554 (D.C. Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662 (2009)
- *King v. Kidd*, 640 A.2d 656 (D.C. 1993)
- *Robertson v. Sichel*, 127 U.S. 507 (1888)
- *Haynesworth v. Miller*, 820 F.2d 1245 (D.C. Cir. 1987)
- *Sibert-Dean v. Washington Metropolitan Area Transit Authority*, 721 F.3d 699 (D.C. Cir. 2013)
- *Night & Day Management, LLC v. Butler*, 101 A.3d 1033 (D.C. 2014)
- *Wanzer v. District of Columbia*, 580 A.2d 127 (D.C. 1990)
- *Marusa v. District of Columbia*, 484 F.2d 828 (D.C. Cir. 1973)
- *Smith v. Trump*, No. 21-cv-02265, 2023 WL 417952 (D.D.C. Jan. 26, 2023), *aff'd*, No. 23-7010, 2023 WL 9016458 (D.C. Cir. Dec. 29, 2023) (*per curiam*)
- *Etheredge v. District of Columbia*, 635 A.2d 908 (D.C. 1993)
- *District of Columbia v. Davis*, 386 A.2d 1195 (D.C. 1978)
- *Jones v. Horne*, 634 F.3d 588 (D.C. Cir. 2011)
- *Erickson v. Pardus*, 551 U.S. 89 (2007)
- *Hettinga v. United States*, 677 F.3d 471 (D.C. Cir. 2012)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)
- *Ho v. Garland*, 106 F.4th 47, 50 (D.C. Cir. 2024)
- *Hopkins v. Women's Division, General Board of Global Ministries*, 284 F. Supp. 2d 15, 25 (D.D.C. 2003)

- Hartman v. Moore, 547 U.S. 250 (2006)

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