

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, ASHEVILLE DIVISION

Damon Lamard Pace v. Dilon Byrd, et al.

Pace · No. 1:25-cv-00206-MR · Decided June 9, 2026

SUMMARY

The United States District Court for the Western District of North Carolina granted Defendant Dilon Byrd’s motion for summary judgment in a pro se 42 U.S.C. § 1983 action arising from an incident at the Polk County Detention Center. The court held that the plaintiff failed to exhaust available administrative remedies and, alternatively, that the undisputed evidence did not establish excessive force or deliberate indifference to a serious medical need. The action was dismissed with prejudice, and the court also concluded that Byrd was entitled to qualified immunity.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Asheville Division
WRITING FOR THE COURT	Martin Reidinger
JURISDICTION	United States District Court for the Western District of North Carolina, Asheville Division
DECIDED	June 9, 2026
DOCKET	1:25-cv-00206-MR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action concerning alleged excessive force and deliberate indifference to a serious medical need while he was a pretrial detainee. Defendant moved for summary judgment, and plaintiff did not respond. The court granted summary judgment and dismissed the action with prejudice.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. The court views evidence and reasonable inferences in the light most favorable to the nonmoving party, but only admissible evidence may be considered; the nonmoving party must identify specific record evidence supporting a genuine issue for trial.
PRECEDENTIAL VALUE	unpublished district court memorandum; nonprecedential

PARTIES

Damon Lamard Pace v. Dillon Byrd, et al.

TOPICS

summary judgment

section 1983

prisoners rights

qualified immunity

fourteenth amendment

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

summary judgment

QUESTIONS PRESENTED

1. Whether plaintiff failed to exhaust available administrative remedies before bringing his § 1983 claims.
2. Whether the undisputed evidence established that defendant did not use objectively unreasonable force against plaintiff, a pretrial detainee.
3. Whether the undisputed evidence established deliberate indifference to a serious medical need under the Fourteenth Amendment.
4. Whether defendant was entitled to qualified immunity.

HOLDINGS

1. Plaintiff failed to exhaust available administrative remedies before filing suit, because he submitted no grievance addressing the February 18, 2023 incident in compliance with the detention center's grievance procedure.
2. The undisputed evidence did not establish a genuine dispute of material fact that Byrd used objectively unreasonable force; the force used to retrieve the towel, restrain plaintiff, respond to his grabbing of Byrd's duty belt, and deploy pepper spray was objectively reasonable under the circumstances.
3. Plaintiff failed to present evidence that he had a serious medical need, that Byrd knew or should have known of such a need and disregarded it, or that plaintiff was harmed; summary judgment was therefore proper on the deliberate-indifference claim.
4. Byrd was entitled to qualified immunity because plaintiff failed to establish a constitutional violation.

KEY QUOTATIONS

“Summary judgment shall be granted “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.””

“exhaustion in cases covered by § 1997e(a) is now mandatory.” (Porter, 534 U.S. at 524)

“purposely or knowingly used against him was objectively unreasonable.” (Kingsley, 576 U.S. at 389)

“IT IS, THEREFORE, ORDERED that the Defendant’s Motion for Summary Judgment [Doc. 11] is GRANTED, and this action is DISMISSED WITH PREJUDICE.”

FACTUAL BACKGROUND

On February 18, 2023, Pace was held as a pretrial detainee in a suicide-prevention cell at the Polk County Detention Center, where only a smock and blanket were permitted. After Pace pulled a towel into the cell and refused repeated orders to return it, Byrd and Sergeant Cantrell entered or opened the cell; Pace resisted, grabbed Byrd, and reached toward Byrd's duty belt near his taser. Cantrell used a taser and Byrd struck Pace and deployed pepper spray, after which Pace was placed back in the cell and taken to a decontamination shower. The record showed no apparent injuries and no grievance addressing the incident.

PROCEDURAL HISTORY

The complaint passed initial review against correctional officer Dilon Byrd. The court issued a Roseboro notice advising plaintiff of the requirements for opposing summary judgment, but plaintiff filed no response before the deadline. The court granted defendant's motion on exhaustion grounds and alternatively on the merits, including qualified immunity, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- Incumaa v. Ozmint, 507 F.3d 281, 286-87 (4th Cir. 2007)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48, 248, 255 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 n.3, 323-24 (1986)
- Kennedy v. Joy Technologies, Inc., 269 F. App'x 302, 308 (4th Cir. 2008)
- Scott v. Harris, 550 U.S. 372, 380, 127 S. Ct. 1769, 1776 (2007)
- Matsushita Elec. Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 586-87, 106 S. Ct. 1348 (1986)
- Goodman v. Diggs, 986 F.3d 493, 498-99 (4th Cir. 2021)
- Porter v. Nussle, 534 U.S. 516, 524, 532 (2002)
- Woodford v. Ngo, 548 U.S. 81, 90 (2006)
- Pozo v. McCaughtry, 286 F.3d 1022, 1024 (7th Cir. 2002)
- Jones v. Bock, 549 U.S. 199, 211, 216 (2007)
- Graham v. Gentry, 413 F. App'x 660, 663 (4th Cir. 2011)
- Graham v. Connor, 490 U.S. 386, 395 n.10, 396 (1989)
- Kingsley v. Hendrickson, 576 U.S. 389, 396-97 (2015)
- Randall v. Prince George's County, 302 F.3d 188, 204 (4th Cir. 2002)
- Scarbro v. New Hanover County, 374 F. App'x 366, 370 (4th Cir. 2010)
- Grayson v. Peed, 195 F.3d 692, 696-97 (4th Cir. 1999)
- Short v. Hartman, 87 F.4th 593, 611-12 (4th Cir. 2023)
- Farmer v. Brennan, 511 U.S. 825, 836 (1994)
- Henry v. Purnell, 652 F.3d 524, 531 (4th Cir. 2011) (en banc)

- E.W. ex rel. T.W. v. Dolgos, 884 F.3d 172, 178 (4th Cir. 2018)
- Smith v. Ray, 781 F.3d 95, 100 (4th Cir. 2015)
- Short v. Hartman, 87 F.4th 593 (4th Cir. 2023)
- Nichols v. Bumgarner, ____ F.4th ____, 2026 WL 1084251 (4th Cir. Apr. 22, 2026)

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