

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE, GREENEVILLE DIVISION

Horner v. Cuyahoga County, et al.

Horner · No. 2:24-CV-00175-DCLC-CRW · Decided March 31, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee granted motions to dismiss and for judgment on the pleadings in William Horner’s action arising from his arrest and detention related to Ohio criminal proceedings. The court held that the deputized officers were federal rather than state actors for purposes of 42 U.S.C. § 1983, that sovereign immunity barred constitutional damages claims against them in their official capacities, and that Tennessee does not recognize a civil claim for perjury. The court also dismissed the state-law tort claims against the United States for failure to exhaust administrative remedies under the Federal Tort Claims Act.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee, Greeneville Division
WRITING FOR THE COURT	Clifton L. Corker
JURISDICTION	United States District Court for the Eastern District of Tennessee, Greeneville Division
DECIDED	March 31, 2026
DOCKET	2:24-CV-00175-DCLC-CRW
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and for judgment on the pleadings under Rule 12(c), in an action asserting constitutional, 42 U.S.C. § 1983, Bivens, and state-law tort claims arising from Plaintiff's arrest and detention. The court granted the motions and denied as moot a motion to stay discovery.
STANDARD OF REVIEW	A facial Rule 12(b)(1) challenge requires the court to accept well-pleaded factual allegations as true, while a factual challenge permits consideration and weighing of conflicting evidence concerning subject-matter jurisdiction. Rule 12(b)(6) requires construction of the complaint in the plaintiff's favor and acceptance of factual allegations as true, but dismissal is appropriate unless the allegations state a

	plausible claim. Rule 12(c) uses the same standard as Rule 12(b)(6), and judgment may be granted when the moving party is clearly entitled to judgment on the pleadings.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; nonprecedential
PARTIES	William Horner v. Cuyahoga County, Bradley Gilmer, Pete Shockley, United States of America

TOPICS

motions to dismiss

motion for judgment on the pleadings

subject matter jurisdiction

section 1983

sovereign immunity

PRACTICE AREAS

civil rights

constitutional law

civil procedure

torts

QUESTIONS PRESENTED

1. Whether Plaintiff stated a claim under 42 U.S.C. § 1983 against Gilmer and Shockley when they were acting under color of federal rather than state law.
2. Whether constitutional damages claims against Gilmer and Shockley in their official capacities were barred by federal sovereign immunity.
3. Whether Tennessee recognizes a civil cause of action for perjury.
4. Whether Plaintiff's state-law tort claims against the United States were barred for failure to exhaust the Federal Tort Claims Act's administrative-presentment requirement.
5. Whether Plaintiff should be permitted to amend his complaint to cure the FTCA exhaustion defect.

HOLDINGS

1. Plaintiff failed to state a § 1983 claim because Gilmer and Shockley were federally deputized and were acting under color of federal law, not state law. The court also declined to convert the § 1983 claim into a Bivens claim.
2. The court lacked subject-matter jurisdiction over constitutional damages claims against Gilmer and Shockley in their official capacities because such claims are effectively claims against the United States, and the United States has not waived sovereign immunity for damages claims arising directly under the Constitution.
3. Tennessee does not recognize a civil cause of action for perjury; Plaintiff's perjury claim against Shockley was dismissed.
4. Plaintiff's intentional-infliction-of-emotional-distress, abuse-of-process, trespass, and malicious-prosecution claims against the United States were dismissed for lack of subject-matter jurisdiction because he did not allege that he first presented the claims to the appropriate federal agency.

KEY QUOTATIONS

“Federally deputized local law enforcement officers are federal actors, not state actors.” (Section III.A.1)

“Tennessee law does not recognize a civil cause of action for perjury.” (Section III.B)

“An FTCA suit shall not be instituted until the plaintiff first presents the claim to the appropriate federal agency and the agency denies the claim.” (Section III.C)

“For these reasons, Gilmer and the United States’ Motion to Dismiss [Doc. 63] and Shockley and the United States’ Motion for Judgment on the Pleadings [Doc. 79] are GRANTED.” (Section IV)

FACTUAL BACKGROUND

Plaintiff's former spouse initiated divorce proceedings and later sought a civil protection order in Ohio. Before the protection-order hearing, Plaintiff allegedly launched a cyberattack on the Cuyahoga County Courthouse, leading to indictments for retaliation, disrupting public services, and telecommunications harassment. Plaintiff alleged that he was arrested on September 21, 2023, pursuant to an invalid capias and later detained after allegedly false testimony, but the public records showed that a second indictment and corresponding arrest warrant remained pending when he was arrested. Gilmer and Shockley were specially deputized as Special Deputy United States Marshals and were acting under federal authority.

PROCEDURAL HISTORY

Plaintiff filed this federal action after his arrest and detention arising from Ohio criminal proceedings. Defendants Gilmer and the United States moved to dismiss, and Defendants Shockley and the United States moved for judgment on the pleadings. The court considered the pleadings and public Ohio court records, granted the dispositive motions, denied leave to amend as futile, and denied the motion to stay discovery as moot.

DISPOSITION

other

CASES CITED

- Horner v. Horner, Cuyahoga C.P. No. DR-20-382383 (Aug. 24, 2020)
- Stark v. Horner, Cuyahoga C.P. No. DV-22-391235
- Ashland, Inc. v. Oppenheimer & Co., 648 F.3d 461, 467 (6th Cir. 2011)
- Ohio National Life Insurance Co. v. United States, 922 F.2d 320, 325 (6th Cir. 1990)
- O'Bryan v. Holy See, 549 F.3d 431, 443 (6th Cir. 2008)
- Meador v. Cabinet for Human Resources, 902 F.2d 474, 475 (6th Cir. 1990)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- E.E.O.C. v. J.H. Routh Packing Co., 246 F.3d 850, 851 (6th Cir. 2001)
- Grindstaff v. Green, 133 F.3d 416, 421 (6th Cir. 1998)

- Southern Ohio Bank v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 479 F.2d 478, 480 (6th Cir. 1973)
- Strickland on Behalf of Strickland v. Shalala, 123 F.3d 863, 866 (6th Cir. 1997)
- Laible v. Lanter, 91 F.4th 438, 442 (6th Cir. 2024)
- Cain v. Rinehart, No. 22-1893, 2023 WL 6439438, at *2 (6th Cir. July 25, 2023)
- Haines v. Federal Motor Carrier Safety Administration, 814 F.3d 417, 429 (6th Cir. 2016)
- Mitchell v. Chapman, 343 F.3d 811, 825 (6th Cir. 2003)
- Kentucky v. Graham, 473 U.S. 159, 165-66 (1985)
- United States v. Shaw, 309 U.S. 495, 500-01 (1940)
- FDIC v. Meyer, 510 U.S. 471, 475 (1994)
- Berger v. Pierce, 933 F.2d 393, 397 (6th Cir. 1991)
- Goetz v. Autin, No. W2022-00393-COA-R3-CV, 2023 WL 2545712, at *18 (Tenn. Ct. App. Mar. 17, 2023)
- Felts v. Paradise, 158 S.W.2d 727, 728 (Tenn. 1942)
- Whitaker v. Whirlpool Corp., 32 S.W.3d 222, 231 (Tenn. Ct. App. 2000)
- Kellom v. Quinn, 86 F.4th 288, 292 (6th Cir. 2023)
- McNeil v. United States, 508 U.S. 106, 113 (1993)