

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
ALABAMA

Moncrief v. City of Montgomery

No. 2:23-cv-331-JTA (WO) (M.D. Ala. May 1, 2026) · No. No. 2:23-cv-331-JTA (WO) · Decided May 1, 2026

SUMMARY

The United States District Court for the Middle District of Alabama grants summary judgment to the City of Montgomery and Officers James Albrecht and Christopher Brown in an action arising from a police shooting during an attempted apprehension. The court concludes that uncontradicted evidence establishes that Gary Moncrief fired an immediately fatal shot himself, followed by two shots from Officer Albrecht, and dismisses the remaining federal and state-law claims with prejudice. The opinion also addresses qualified immunity, state-law immunity, and municipal liability under Monell.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Alabama                                                                                                                                                                                                |
| WRITING FOR THE COURT | Jerusha T. Adams                                                                                                                                                                                                                                               |
| JURISDICTION          | United States District Court for the Middle District of Alabama                                                                                                                                                                                                |
| DECIDED               | May 1, 2026                                                                                                                                                                                                                                                    |
| DOCKET                | No. 2:23-cv-331-JTA (WO)                                                                                                                                                                                                                                       |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Defendants moved for summary judgment on the remaining federal and state-law claims. The court granted the motion, dismissed the claims with prejudice, and denied other pending motions as moot.                                                              |
| STANDARD OF REVIEW    | Summary judgment under Federal Rule of Civil Procedure 56. The court viewed the evidence and reasonable inferences in the light most favorable to Plaintiffs but required Plaintiffs to identify specific evidence showing a genuine dispute of material fact. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                    |
| PARTIES               | Janice Moncrief, Benita Moncrief, Tamara Acree v. City of Montgomery, James Albrecht, Christopher Brown                                                                                                                                                        |

TOPICS

- summary judgment
- qualified immunity
- section 1983
- police misconduct
- municipal liability

## PRACTICE AREAS

civil rights

constitutional law

municipal liability

police misconduct

civil procedure

## QUESTIONS PRESENTED

1. Whether Plaintiffs presented sufficient evidence to create a genuine dispute of material fact regarding whether Moncrief fired the first shot and whether an officer's shot caused his death.
2. Whether Officers Albrecht and Brown were entitled to qualified immunity on the Fourth Amendment excessive-force claim.
3. Whether Plaintiffs established a municipal policy or custom causing a constitutional violation sufficient to support their Monell claim against the City.
4. Whether Plaintiffs established causation for their Alabama wrongful-death claim.
5. Whether Officers Albrecht and Brown were entitled to Alabama state-agent or discretionary-function immunity on the negligence, assault, and battery claims.

## HOLDINGS

1. No genuine dispute of material fact existed because the undisputed evidence established that Moncrief fired the first shot at himself and that the self-inflicted wound was immediately fatal; therefore, Plaintiffs could not show that either officer caused his death.
2. The officers were entitled to qualified immunity on Plaintiffs' Fourth Amendment excessive-force claim because Plaintiffs failed to show that the officers violated a clearly established constitutional right.
3. The City was entitled to summary judgment on the § 1983 municipal-liability claim because Plaintiffs failed to provide evidence that a City policy or custom caused a constitutional violation.
4. Defendants were entitled to summary judgment on the wrongful-death claim because Plaintiffs failed to present evidence that either officer's conduct proximately caused Moncrief's death.
5. Officers Albrecht and Brown were entitled to discretionary-function or state-agent immunity on the state-law claims because their use of force during the attempted arrest was a discretionary function and Plaintiffs failed to show an applicable Cranman exception.

## KEY QUOTATIONS

*"The uncontradicted evidence establishes Moncrief fired at himself."* (at 16)

*"Therefore, the uncontradicted evidence establishes the first shot was Moncrief's own, which killed him."* (at 17)

*"Accordingly, it is ORDERED as follows: 1. Defendants' motion for summary judgment (Doc. No. 202) is GRANTED. 2. Plaintiffs' remaining claims are DISMISSED with prejudice."* (at 25)

## FACTUAL BACKGROUND

On May 18, 2021, Montgomery police investigated reports that Gary Moncrief had kidnapped a woman, threatened others with a gun, and remained armed. Officers encountered a vehicle carrying Moncrief and three

Plaintiffs outside a Montgomery hotel; after Moncrief entered the vehicle, three shots were fired, two by Officer Albrecht. The medical examiner concluded that Moncrief died from an immediately fatal self-inflicted intraoral gunshot wound, and the court found no evidence creating a genuine dispute that an officer's shot caused his death.

## PROCEDURAL HISTORY

Plaintiffs filed suit under 42 U.S.C. § 1983 and state law arising from a 2021 police shooting in which Gary Moncrief died. After amendments and rulings on motions to dismiss, the remaining claims were a Fourth Amendment excessive-force claim against Officers Albrecht and Brown, a Monell claim against the City, a wrongful-death claim, and state-law negligence, assault, and battery claims. The court held that the undisputed evidence established that Moncrief died from a self-inflicted gunshot wound and that Plaintiffs failed to establish genuine disputes of material fact or overcome the applicable immunities.

## DISPOSITION

dismissed

## CASES CITED

- Hitt v. CSX Transportation, Inc., 116 F.4th 1309, 1315 (11th Cir. 2024)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986)
- Anderson v. Liberty Lobby, 477 U.S. 242, 248, 255 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Sears v. Roberts, 922 F.3d 1199, 1209 (11th Cir. 2019)
- Harbert International, Inc. v. James, 157 F.3d 1271, 1281 (11th Cir. 1998)
- Lee v. Ferraro, 284 F.3d 1188, 1200 (11th Cir. 2002)
- Mullenix v. Luna, 577 U.S. 7, 12 (2015)
- Moncrief v. City of Montgomery, No. 2:23-cv-331-JTA, 2024 WL 4142655, at \*5, \*7 n.12 (M.D. Ala. Sept. 10, 2024)
- Piazza v. Jefferson County, Ala., 923 F.3d 947, 951 (11th Cir. 2019)
- Odom v. Boisvert, No. 23-11226, 2024 WL 3649048, at \*2 (11th Cir. Aug. 5, 2024)
- Powell v. Snook, 25 F.4th 912, 920 (11th Cir. 2022)
- Barnes v. Felix, 605 U.S. 73 (2025)
- Graham v. Connor, 490 U.S. 386, 394-97 (1989)
- Patel v. City of Madison, 959 F.3d 1330, 1338-39 (11th Cir. 2020)
- Jean-Baptiste v. Gutierrez, 627 F.3d 816, 821 (11th Cir. 2010)
- Baker v. City of Madison, 67 F.4th 1268, 1279 (11th Cir. 2023)
- Jones v. Walsh, 711 F. App'x 504, 507 (11th Cir. 2017)
- Courson v. McMillian, 939 F.2d 1479, 1494-95 (11th Cir. 1991)
- Morton v. Kirkwood, 707 F.3d 1276, 1282 (11th Cir. 2013)

- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 694-95 (1978)
- Johnson v. City of Atlanta, 107 F.4th 1292, 1295 n.3 (11th Cir. 2024)
- Christmas v. Harris County, Ga., 51 F.4th 1348, 1356 (11th Cir. 2022)
- Hughes v. Marley, 390 So. 3d 545, 549 (Ala. 2023)
- Perkins v. City of Decatur, Ala., No. 5:23-cv-1685-CLM, 2024 WL 3678684, at \*12 (N.D. Ala. Aug. 6, 2024)
- Ex parte Cranman, 792 So. 2d 392, 405 (Ala. 2000)
- Hollis v. City of Brighton, 950 So. 2d 300, 305, 309 (Ala. 2006)
- Ex parte City of Warrior, 369 So. 3d 116, 121 (Ala. 2022)
- Ex parte City of Homewood, 231 So. 3d 1082, 1087 (Ala. 2017)
- Ex parte Young, 352 So. 3d 1160, 1168 (Ala. 2021)
- Telfare v. City of Huntsville, 841 So. 2d 1222, 1228 (Ala. 2002)
- Ex parte Smith, 393 So. 3d 36, 48 (Ala. 2023)
- Gary v. Crouch, 867 So. 2d 310, 313-14 (Ala. 2003)
- Ex parte McGuire, 2025 WL 1776553, at \*4-5 (Ala. June 27, 2025)
- Ex parte Kennedy, 992 So. 2d 1276, 1283 (Ala. 2008)
- Thurmond v. City of Huntsville, 904 So. 2d 314, 324, 326 (Ala. 2004)
- Pair v. City of Parker, Fla. Police Department, 383 F. App'x 835, 839 (11th Cir. 2010)
- Maughon v. City of Covington, 505 F. App'x 818, 822 (11th Cir. 2013)
- Johnson v. City of Palm Bay, Fla., No. 25-10718, 2025 WL 3251263, at \*3 (11th Cir. Nov. 21, 2025)

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