

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Zailey Hess v. Jamie Garcia

Cause No. 3:21cv101 DRL · No. Cause No. 3:21cv101 DRL · Decided February 3, 2026

SUMMARY

The United States District Court for the Northern District of Indiana considers former police officer Jamie Garcia’s motion for summary judgment in Zailey Hess’s action under 42 U.S.C. § 1983. The court concludes that the evidence could permit a reasonable jury to find violations of Hess’s Fourteenth Amendment equal protection rights and Fourth Amendment right against unreasonable seizure arising from alleged sexual misconduct during a police ride-along. The court denies summary judgment except in one respect, which is not identified in the provided excerpt.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Damon R. Leichty
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	February 3, 2026
DOCKET	Cause No. 3:21cv101 DRL
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Jamie Garcia moved for summary judgment on all claims in a 42 U.S.C. § 1983 action alleging Fourth and Fourteenth Amendment violations. The court granted summary judgment on the Fourth Amendment unreasonable-seizure claims but denied it on the Fourteenth Amendment equal-protection and substantive-due-process claims, including qualified immunity.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The evidence and reasonable inferences must be viewed in the light most favorable to the nonmovant, and the court may not resolve credibility disputes or weigh evidence. Qualified immunity is assessed claim by claim, first asking whether the facts could establish a

constitutional violation and then whether the right was clearly established.

PRECEDENTIAL VALUE

unpublished

TOPICS

section 1983

qualified immunity

summary judgment

equal protection

due process

PRACTICE AREAS

civil rights

constitutional law

section 1983

qualified immunity

summary judgment

QUESTIONS PRESENTED

1. Whether the evidence would permit a reasonable jury to find that Garcia purposefully discriminated against Hess based on sex in violation of the Fourteenth Amendment's Equal Protection Clause.
2. Whether the evidence would permit a reasonable jury to find that Garcia seized Hess unreasonably under the Fourth Amendment through alleged sexual assaults or by taking her to a secluded location during the ride-along.
3. Whether the alleged sexual misconduct could constitute a substantive-due-process violation because it infringed a fundamental right and shocked the conscience.
4. Whether Garcia was entitled to qualified immunity because the alleged conduct did not violate a constitutional right or because the asserted rights were not clearly established in February 2019.

HOLDINGS

1. The evidence would permit a reasonable jury to find that Garcia purposefully discriminated against Hess based on her sex through sexual harassment, sexual assault, and abuse of governmental authority; summary judgment and qualified immunity were therefore unavailable on the equal-protection claim.
2. The evidence would permit a reasonable jury to find that Hess was seized and that the seizure was unreasonable, but Garcia was entitled to qualified immunity because the Fourth Amendment right was not clearly established in the particular circumstances in February 2019.
3. A reasonable jury could find that Garcia's intentional sexual assault of Hess, a minor, was an abuse of governmental power that shocked the conscience and violated substantive due process; Garcia was not entitled to qualified immunity on this claim.

KEY QUOTATIONS

"A reasonable jury could easily say otherwise—that Officer Garcia purposefully discriminated against Ms. Hess, based on her status as a woman, indeed a minor female, through myriad acts of sex-based misconduct, both physical and otherwise." (Discussion § A.1)

"An officer who sexually assaults someone while acting under color of law has seized the victim for Fourth Amendment purposes." (Discussion § A.2)

“sexual assault “shocks the conscience because it is intentional and serves no governmental purpose.””
(Discussion § A.3)

“The court GRANTS IN PART and DENIES IN PART the summary judgment motion [91], GRANTS summary judgment only on the unreasonable seizure claims under the Fourth Amendment, and DENIES summary judgment in all other respects” (Conclusion)

FACTUAL BACKGROUND

In February 2019, then-Hammond police officer Jamie Garcia took seventeen-year-old Zailey Hess on a police ride-along connected to her criminal-justice class. During the trip, Garcia allegedly repeatedly touched Hess's leg and backside, touched her breast while adjusting a seatbelt, made sexually explicit comments, discussed prostitution and sex, and took her to a dark and secluded location where he offered her to another officer for sex. Hess testified that she felt threatened and lacked a reasonable opportunity to leave because she was a minor, was far from home, did not know where she was, and depended on Garcia for transportation.

PROCEDURAL HISTORY

Zailey Hess filed suit on February 11, 2021, against Officer Garcia and Hammond Police Chief John Doughty. The district court dismissed the claims on March 21, 2022. The Seventh Circuit affirmed dismissal as to Chief Doughty but reversed as to Garcia in *Hess v. Garcia*, 72 F.4th 753 (7th Cir. 2023). After discovery, the case proceeded to summary judgment. The court partially granted and partially denied Garcia's motion, allowing the equal-protection and substantive-due-process claims to proceed to trial.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The case was to proceed to trial on Hess's Fourteenth Amendment equal-protection and substantive-due-process claims.

CASES CITED

- *Hess v. Garcia*, 72 F.4th 753 (7th Cir. 2023)
- *Graham v. Connor*, 490 U.S. 386, 394-95 (1989)
- *Saucier v. Katz*, 533 U.S. 194, 201-02 (2001)
- *Pearson v. Callahan*, 555 U.S. 223, 236 (2009)
- *Wudtke v. Davel*, 128 F.3d 1057, 1062-63 (7th Cir. 1997)
- *Doe v. Smith*, 470 F.3d 331, 337-41 (7th Cir. 2006)
- *T.E. v. Grindle*, 599 F.3d 583, 588-89 (7th Cir. 2010)
- *Nabozny v. Podlesny*, 92 F.3d 446, 453-54 (7th Cir. 1996)
- *Bohen v. City of East Chicago*, 799 F.2d 1180, 1186-87 (7th Cir. 1986)

- *Torres v. Madrid*, 592 U.S. 306, 307, 311, 322 (2021)
- *Brendlin v. California*, 551 U.S. 249, 254-55 (2007)
- *United States v. Jones*, 22 F.4th 667, 673 (7th Cir. 2022)
- *Rogers v. City of Little Rock*, 152 F.3d 790, 796, 801 (8th Cir. 1998)
- *District of Columbia v. Wesby*, 583 U.S. 48, 63-64 (2018)
- *White v. Pauly*, 580 U.S. 73, 80 (2017)
- *County of Sacramento v. Lewis*, 523 U.S. 833, 849 (1998)
- *Collins v. City of Harker Heights*, 503 U.S. 115, 126 (1992)
- *Rochin v. California*, 342 U.S. 165, 166, 173 (1952)
- *United States v. Skrmetti*, 605 U.S. 495, 509 (2025)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)

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