

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Mark Lovell v. Clermont County Sheriff's Office, et al.

Lovell · No. 1:23-cv-114 · Decided January 2, 2026

SUMMARY

The United States District Court for the Southern District of Ohio considers defendants’ motions for summary judgment in Mark Lovell’s 42 U.S.C. § 1983 action arising from his arrest and detention at the Clermont County Jail. The opinion addresses alleged excessive force by county officers and deliberate indifference to serious medical needs, including two uses of force involving takedowns, strikes, pepper spray, and restraint-chair detention. Based on the excerpt, summary judgment is partially denied as to two excessive-force claims and granted on the remaining claims.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Stephanie K. Bowman, Magistrate Judge
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	January 2, 2026
DOCKET	1:23-cv-114
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an action under 42 U.S.C. § 1983 alleging excessive force, failure to intervene or protect, deliberate indifference to serious medical needs, supervisory liability, and municipal liability. Two groups of defendants moved separately for summary judgment.
STANDARD OF REVIEW	Summary judgment is proper under Federal Rule of Civil Procedure 56(a) when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the evidence and drew reasonable inferences in favor of the nonmoving party, while accepting video-recorded facts that a reasonable jury could view in only one way.
PRECEDENTIAL VALUE	unpublished

PARTIES

Mark Lovell v. Clermont County Sheriff's Office, Clermont County Sheriff Robert Leahy, Clermont County Board of Commissioners, Sheriff Christopher Stratton, in his official capacity, Joseph Bailey, Eric Mullenix, Gregory Paff, Dylan Pemberton, Alex Tincher, Terra Shouse, Samantha Irwin, Southern Health Partners

TOPICS

summary judgment

section 1983

qualified immunity

police misconduct

prisoners rights

PRACTICE AREAS

civil rights

constitutional law

civil procedure

prisoners rights

health law

QUESTIONS PRESENTED

1. Whether the officers' two uses of force against Lovell violated the Fourth Amendment and were shielded by qualified immunity.
2. Whether the officers were liable for failing to intervene or protect Lovell from the alleged excessive force.
3. Whether the officers and Nurse Irwin were deliberately indifferent to Lovell's serious medical needs under the Fourteenth Amendment.
4. Whether Sheriff Leahy could be held individually liable under § 1983 based on supervisory or failure-to-train theories.
5. Whether Sheriff Stratton, the Clermont County Board of Commissioners, and Southern Health Partners could be held liable under Monell for inadequate training, supervision, or ratification.
6. Whether the excessive-force claims concerning the spit hood, restraint chair, and delayed decontamination were properly pleaded or were improperly asserted for the first time in opposition to summary judgment.

HOLDINGS

1. Because Lovell was an arrestee who had not received a judicial determination of probable cause, his excessive-force claims arose solely under the Fourth Amendment rather than the Fourteenth Amendment.
2. Summary judgment was denied to the participating officers on the first excessive-force claim because a reasonable jury could find that Lovell posed no significant threat, engaged in no active resistance, and was subjected to objectively unreasonable force. Officer Shouse was entitled to qualified immunity because she did not participate in the force and only placed a protective spit hood over Lovell after the altercation.
3. Summary judgment was denied to the officers who participated in the second use of force because a reasonable jury could find that Lovell did not assault an officer or actively resist and that the

participating officers used excessive force. Officer Tinchler was entitled to qualified immunity because he was absent and did not participate.

4. The participating officers were not entitled to qualified immunity on the two excessive-force claims because, by February 2021, it was clearly established that officers may not use significant force against a fully controlled or incapacitated detainee who is not actively resisting and poses no threat.
5. All officers were entitled to qualified immunity and summary judgment on the failure-to-intervene or failure-to-protect claims because Lovell could not show that any officer had both a sufficient opportunity and the means to stop the brief first incident, and no clearly established law imposed liability during the longer second incident when each officer was simultaneously using force or was unable to observe the others' conduct.
6. Summary judgment was granted to Nurse Irwin and the officers on the deliberate-indifference claim because Lovell failed to establish that the delay from approximately 4:30 a.m. to 11:00 a.m. constituted objectively unreasonable treatment of an obvious serious medical need or that any defendant acted with the required subjective culpability.
7. Summary judgment was granted to Sheriff Leahy, Sheriff Stratton, the Clermont County Board, and Southern Health Partners on the supervisory, failure-to-train, failure-to-supervise, and ratification claims because Lovell presented no evidence of personal participation, an actionable policy or custom, deliberate indifference in training or supervision, or causation.
8. Summary judgment was granted on the excessive-force theories based on Lovell's confinement in the restraint chair and continued use of a spit hood without immediate decontamination because those theories were not fairly pleaded in the amended complaint and were asserted for the first time in opposition to summary judgment.

KEY QUOTATIONS

“For the reasons discussed, the motion of the six Clermont County Officers is partially denied on two claims of excessive force. Apart from those two claims, however, the two motions for summary judgment are granted.”

“In the face of no more than passive resistance, the Officers’ use of such force while Plaintiff lay prone and fully subdued in the booking area was objectively unreasonable.”

“In short, Lovell has presented sufficient evidence to present to a jury that both uses of force by the Defendant Officers who were involved in each incident – in the booking area and in the shower room – were unreasonable and in violation of the Fourth Amendment.”

FACTUAL BACKGROUND

Lovell was arrested on misdemeanor charges after becoming intoxicated and was transported to the Clermont County Jail. At the jail, officers took him to the ground twice, deployed oleoresin capsicum spray, and delivered multiple tactical strikes; Lovell alleged that the force caused fractured ribs, a pneumothorax, a lacerated spleen, and other injuries. After the second incident, he complained of significant pain and difficulty moving, but a more

complete medical examination and imaging did not occur until approximately 11:00 a.m., when x-rays led to his transfer to a hospital.

PROCEDURAL HISTORY

Lovell filed an amended complaint asserting ten claims arising from two uses of force at the Clermont County Jail and subsequent medical care. The defendants moved for summary judgment. The court granted summary judgment on all claims except the two properly pleaded excessive-force claims against the officers who participated in the respective incidents; those claims proceed to trial.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Scott v. Harris, 550 U.S. 372 (2007)
- Latits v. Phillips, 878 F.3d 541 (6th Cir. 2017)
- Colson v. City of Alcoa, Tennessee, 37 F.4th 1182 (6th Cir. 2022)
- Aldini v. Johnson, 609 F.3d 858 (6th Cir. 2010)
- Barnes v. Felix, 605 U.S. 73 (2025)
- Graham v. Connor, 490 U.S. 386 (1989)
- Kingsley v. Hendrickson, 576 U.S. 389 (2015)
- Goodwin v. City of Painesville, 781 F.3d 314 (6th Cir. 2015)
- Baker v. City of Hamilton, 471 F.3d 601 (6th Cir. 2006)
- Malory v. Whiting, 489 F. App'x 78 (6th Cir. 2012)
- Turner v. Scott, 119 F.3d 425 (6th Cir. 1997)
- Chaney-Snell v. Young, 98 F.4th 699 (6th Cir. 2024)
- Farmer v. Brennan, 511 U.S. 825 (1994)
- Brawner v. Scott County, 14 F.4th 585 (6th Cir. 2021)
- Blackmore v. Kalamazoo County, 390 F.3d 890 (6th Cir. 2004)
- Grote v. Kenton County, 85 F.4th 397 (6th Cir. 2023)
- Monell v. Department of Social Services, 436 U.S. 658 (1978)
- Crawford v. Tilley, 15 F.4th 752 (6th Cir. 2021)
- Connick v. Thompson, 563 U.S. 51 (2011)
- Pembaur v. City of Cincinnati, 475 U.S. 469 (1986)
- McColman v. St. Clair County, 479 F. App'x 1 (6th Cir. 2012)

