

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, LOUISVILLE DIVISION

**Thomas Sanders v. Officer Dakota Clements, Sergeant Bert De Long,
Officer Anothony Shepard, Officer Fleming, Hon. Craig Greenberg,
Mayor, Chief of Police Jacquelyn Gwinn-Villaroel,
Louisville/Jefferson County Metro Government**

Sanders · No. 3:25-cv-343-RGJ · Decided March 31, 2026

SUMMARY

The United States District Court for the Western District of Kentucky considers motions to dismiss claims brought by Thomas Sanders under 42 U.S.C. § 1983 and Kentucky law arising from his arrest and alleged use of excessive force by Louisville Metro police officers. The court grants the motions to dismiss filed by Louisville/Jefferson County Metro Government, the mayor, and the chief of police, finding that the complaint inadequately pleaded municipal liability and personal or supervisory liability. The individual officer defendants had filed an answer and had not moved to dismiss.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Louisville Division
WRITING FOR THE COURT	Rebecca Grady Jennings
JURISDICTION	United States District Court for the Western District of Kentucky, Louisville Division
DECIDED	March 31, 2026
DOCKET	3:25-cv-343-RGJ
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Louisville/Jefferson County Metro Government, Mayor Craig Greenberg, and Chief of Police Jacquelyn Gwinn-Villaroel moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the claims against them. The individual officer defendants answered and did not move to dismiss.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences for the nonmoving party, but need not accept legal conclusions, labels, or formulaic

	recitations. The complaint must allege enough facts to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Thomas Sanders v. Officer Dakota Clements, Sergeant Bert De Long, Officer Anothony Shepard, Officer Fleming, Hon. Craig Greenberg, Mayor, Chief of Police Jacquelyn Gwinn-Villaroel, Louisville/Jefferson County Metro Government

TOPICS

motions to dismiss

section 1983

municipal liability

civil rights

negligence

PRACTICE AREAS

civil rights

constitutional law

municipal liability

civil procedure

torts

QUESTIONS PRESENTED

1. Whether Sanders plausibly alleged that Louisville/Jefferson County Metro Government had a policy or custom causing the alleged constitutional violations sufficient to support municipal liability under 42 U.S.C. § 1983.
2. Whether Sanders plausibly alleged the personal involvement or supervisory conduct necessary to impose individual-capacity § 1983 liability on the Mayor and Chief of Police.
3. Whether Sanders plausibly pleaded negligent supervision, retention, training, negligence, or gross negligence claims against the Chief of Police under Kentucky law.
4. Whether the claims against Metro, the Mayor, and the Chief of Police should be dismissed under Federal Rule of Civil Procedure 12(b)(6).

HOLDINGS

1. Sanders failed to plausibly allege that Metro maintained a policy or custom, ratified unconstitutional conduct, inadequately trained or supervised its officers with deliberate indifference, or tolerated constitutional violations in a manner that was the moving force behind his injuries. Counts 2, 3, and 7 were dismissed against Metro.
2. Sanders failed to plausibly allege that Mayor Greenberg personally participated in, authorized, approved, or knowingly acquiesced in the alleged constitutional deprivation. The individual-capacity claim against the Mayor was dismissed.
3. Sanders failed to plausibly allege that the Chief of Police authorized, approved, or knowingly acquiesced in unconstitutional conduct causing his injury. The individual-capacity § 1983 claim against the Chief of Police was dismissed.
4. Sanders failed to plausibly allege that the Chief of Police knew or had reason to know that the officers posed a risk or that her hiring, supervision, training, or retention proximately caused his injury. The

negligent-supervision claim was dismissed.

5. Sanders failed to plausibly allege how the Chief of Police breached a duty of care or acted with wanton or reckless disregard for safety. The negligence and gross-negligence claims were dismissed.

KEY QUOTATIONS

“A municipality “may not be sued under § 1983 for an injury inflicted solely by its employees or agents.””

“To survive a motion to dismiss, a plaintiff must allege “enough facts to state a claim to relief that is plausible on its face.””

“Liability under § 1983 must be based on active unconstitutional behavior.”

FACTUAL BACKGROUND

Sanders alleged that Louisville officials directed police to clear people from public sidewalks near 1809 Standard Avenue before a public event. When Sanders refused to leave, officers allegedly grabbed and assaulted him, slammed his head into the sidewalk, handcuffed and arrested him, and issued citations. Sanders alleged head and shoulder injuries and asserted federal claims under 42 U.S.C. § 1983, including excessive force, false arrest, and municipal liability, as well as Kentucky tort claims.

PROCEDURAL HISTORY

Sanders originally filed the action in Jefferson County Circuit Court, asserting twelve federal constitutional and Kentucky-law claims. Defendants removed the case based on federal-question jurisdiction under 28 U.S.C. § 1331. The district court granted the three motions to dismiss, dismissed the claims against Metro, the Mayor, and the Chief of Police, allowed Counts 1, 4, 5, 6, 8, 9, and 10 to proceed against the officer defendants, and referred the matter for a Rule 16 conference.

DISPOSITION

other

CASES CITED

- Total Benefits Plan Agency, Inc. v. Anthem Blue Cross & Blue Shield, 552 F.3d 430, 434 (6th Cir.)
- Tackett v. M&G Polymers, USA, LLC, 561 F.3d 478, 488
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 561-64, 570 (2007)
- Southfield Education Ass'n v. Southfield Board of Education, 570 F. App'x 485, 487 (6th Cir.)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Garner v. Memphis Police Department, 8 F.3d 358, 364 (6th Cir. 1993)
- Spears v. Ruth, 589 F.3d 249, 256 (6th Cir. 2009)
- Thomas v. City of Chattanooga, 398 F.3d 426, 429 (6th Cir. 2005)
- Jones v. Louisville/Jefferson County Metro Government, 482 F. Supp. 3d 584, 597 (W.D. Ky. 2020)

- Mann v. Helmig, 289 F. App'x 845, 850 (6th Cir.)
- Daugherty v. Louisville-Jefferson County Metro Government, 495 F. Supp. 3d 513, 524 (W.D. Ky.)
- Flagg v. City of Detroit, 715 F.3d 165, 174 (6th Cir. 2013)
- Pembaur v. City of Cincinnati, 475 U.S. 469, 480-81 (1986)
- Feliciano v. City of Cleveland, 988 F.2d 649, 656 (6th Cir. 1993)
- City of St. Louis v. Praprotnik, 485 U.S. 112, 127 (1988)
- City of Oklahoma City v. Tuttle, 471 U.S. 808, 823-24 (1985)
- Ellis ex rel. Pendergrass v. Cleveland Municipal School District, 455 F.3d 690, 700 (6th Cir.)
- Fisher v. Harden, 398 F.3d 837, 849 (6th Cir.)
- Board of County Commissioners of Bryan County v. Brown, 520 U.S. 397, 409 (1997)
- Jackson v. City of Cleveland, 925 F.3d 793, 834 (6th Cir. 2019)
- Bright v. Gallia County, Ohio, 753 F.3d 639, 652 (6th Cir.)
- Carter v. Louisville Metropolitan Police Department, No. 3:22-CV-00673-RGJ, 2023 WL 5986137, at *8 (W.D. Ky. Sept. 14, 2023)
- Harvey v. Campbell County, Tennessee, 453 F. App'x 557, 567 (6th Cir.)
- City of Canton, Ohio v. Harris, 489 U.S. 378, 390 (1989)
- Ransom v. Louisville-Jefferson County Metro Government, No. 3:19-CV-631-RGJ, 2020 WL 5944283, at *6 (W.D. Ky. Oct. 7, 2020)
- Doe v. Claiborne County, 103 F.3d 495, 507-08 (6th Cir.)
- Hanner v. City of Dearborn Heights, 450 F. App'x 440, 446 (6th Cir.)
- Salehpour v. University of Tennessee, 159 F.3d 199, 206-07 (6th Cir.)
- Does v. Whitmer, 69 F.4th 300, 306-07 (6th Cir.)
- Garza v. Lansing School District, 972 F.3d 853, 866 (6th Cir.)
- Grand Aerie Fraternal Order of Eagles v. Carneyhan, 169 S.W.3d 840, 844 (Ky. 2005)
- Pathways, Inc. v. Hammons, 113 S.W.3d 85, 88-89 (Ky. 2003)
- Wright v. House of Imports, Inc., 381 S.W.3d 209, 213 (Ky. 2012)
- Kinney v. Butcher, 131 S.W.3d 357, 358-59 (Ky. App. 2004)
- Scott v. Louisville/Jefferson County Metro Government, 503 F. Supp. 3d 532, 541 (W.D. Ky. Nov. 25, 2020)
- Kentucky v. Graham, 473 U.S. 159, 165 (1985)
- Schwindel v. Meade County, 113 S.W.3d 159, 169 (Ky. 2003)
- Yanero v. Davis, 65 S.W.3d 510, 522 (Ky. 2001)