

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Charles L. Payne v. Shane Brown

No. 3:25-cv-00825-NJR (S.D. Ill. Jan. 30, 2026) · No. 3:25-CV-00825-NJR · Decided January 30, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied Defendant Shane Brown’s motion to dismiss a Bivens excessive-force claim arising from a federal and state law enforcement operation. The court held that the plaintiff’s claim fell within the existing Bivens context involving Fourth Amendment excessive force, despite Brown’s service as a deputized United States Marshals Service task force officer. The court declined to assess alternative remedies as special factors because it found no new Bivens context, lifted the discovery stay, and directed that a scheduling conference be set.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	January 30, 2026
DOCKET	3:25-CV-00825-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's Bivens excessive-force claim, arguing that Bivens does not extend to the circumstances involving a United States Marshals Service task-force officer. The court denied the motion and lifted the stay on discovery.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and asks whether the complaint states a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; persuasive authority only
PARTIES	Charles L. Payne v. Shane Brown

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QUESTIONS PRESENTED

1. Whether Payne's Fourth Amendment excessive-force claim against a specially deputized USMS task-force officer arises in a new Bivens context because the officer served with the USMS, participated in a joint federal-state task force, and acted pursuant to a warrant.
2. If the claim arose in a new Bivens context, whether special factors, including alternative Department of Justice remedies and potential effects on federal-state law-enforcement relationships, would counsel against recognizing a damages remedy.
3. Whether the complaint plausibly stated a Bivens claim sufficient to survive Rule 12(b)(6).

HOLDINGS

1. The alleged Fourth Amendment excessive-force claim did not arise in a new Bivens context. The involvement of the USMS, Brown's status as a specially deputized task-force officer, the joint federal-state nature of the operation, and the use of an arrest warrant did not meaningfully distinguish the claim from the core Fourth Amendment excessive-force claim recognized in Bivens.
2. Because the claim arose in an existing Bivens context, the court did not need to reach the second step of the Bivens inquiry or evaluate whether alternative remedies and federal-state task-force concerns counseled hesitation.
3. The complaint plausibly stated a Fourth Amendment excessive-force claim and could proceed past the motion-to-dismiss stage.

KEY QUOTATIONS

"At bottom, Plaintiff alleges that a deputy acting under the auspices of the USMS employed excessive force in violation of his Fourth Amendment rights."

"Even considering the factual differences identified by the defendant, the circumstances of Plaintiff's case are not meaningfully distinguishable from Bivens itself, so the case may proceed."

FACTUAL BACKGROUND

A United States Marshals Service task force went to Payne's residence to execute an arrest warrant for his son. After Payne emerged from the residence with a firearm pointed downward, returned inside, set the firearm down, and retrieved a cellphone to record the officers, Brown, a Belleville police officer acting as a USMS task-force officer, allegedly fired four pellet bags at Payne from less than twenty feet away. Payne alleged pain, mental anguish, physical wounds, and physical deformities, and asserted a Fourth Amendment excessive-force claim under Bivens.

PROCEDURAL HISTORY

Payne filed a single-count complaint alleging that Brown violated his Fourth Amendment right to be free from excessive force during a joint federal and state law-enforcement operation. Brown moved to dismiss on October 17, 2025. After briefing, the court denied the motion, concluding that the allegations arose in an existing *Bivens* context and were not meaningfully distinguishable from *Bivens* itself.

DISPOSITION

other

CASES CITED

- *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971)
- *Davis v. Passman*, 442 U.S. 228 (1979)
- *Carlson v. Green*, 446 U.S. 14 (1980)
- *District of Columbia v. Carter*, 409 U.S. 418 (1973)
- *Askew v. Bloemker*, 548 F.2d 673 (7th Cir. 1976)
- *Hammack v. Schneider*, No. 19-00230, 2023 WL 143312 (S.D. Ill. Jan. 10, 2023)
- *Bell v. Hood*, 327 U.S. 678 (1946)
- *Snowden v. Henning*, 72 F.4th 237 (7th Cir. 2023)
- *Ziglar v. Abbasi*, 582 U.S. 120 (2017)
- *Egbert v. Boule*, 596 U.S. 482 (2022)
- *Goldey v. Fields*, 606 U.S. 942 (2025) (per curiam)
- *Watkins v. Mohan*, 144 F.4th 926 (7th Cir. 2025)
- *Aska v. Yingling*, 734 F. Supp. 3d 792 (N.D. Ill. 2024)
- *Fairchild v. Cundiff*, No. 23-01972, 2024 WL 1328885 (N.D. Ill. Mar. 28, 2024)
- *Lehal v. Cent. Falls Det. Facility Corp.*, No. 13-3923, 2019 WL 1447261 (S.D.N.Y. Mar. 15, 2019)
- *Deavers v. Martin*, 629 F. Supp. 3d 389 (S.D.W. Va. 2022)
- *Hicks v. Ferreyra*, 64 F.4th 156 (4th Cir. 2023)
- *Orellana v. Godec*, 145 F.4th 516 (4th Cir. 2025)
- *Cain v. Rinehart*, No. 22-1893, 2023 WL 6439438 (6th Cir. July 25, 2023)
- *Logsdon v. United States Marshal Serv.*, 91 F.4th 1352 (10th Cir. 2024)
- *Robinson v. Sauls*, 102 F.4th 1337 (11th Cir. 2024)
- *Jacobs v. Alam*, 915 F.3d 1028 (6th Cir. 2019)
- *Enriquez-Perdomo v. Newman*, 149 F.4th 623 (6th Cir. 2025)
- *Edwards v. Gizzi*, 107 F.4th 81 (2d Cir. 2024) (mem.)
- *United States v. Weiland*, 420 F.3d 1062 (9th Cir. 2005)
- *Laible v. Lanter*, 91 F.4th 438 (6th Cir. 2024)
- *Wardlaw v. Pickett*, 1 F.3d 1297 (D.C. Cir. 1993)

- Mellott v. Heemer, 161 F.3d 117 (3d Cir. 1998)
- Petrazzoulo v. U.S. Marshals Serv., 999 F. Supp. 401 (W.D.N.Y. 1998)
- Richards v. Mitcheff, 696 F.3d 635 (7th Cir. 2012)
- Burke v. 401 N. Wabash Venture, LLC, 714 F.3d 501 (7th Cir. 2013)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)

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