

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA, SOUTHERN DIVISION

William Colt Cain v. Michael Hal Shaw II

No. 7:23-CV-1452-BO-BM · No. No. 7:23-CV-1452-BO-BM · Decided March 27, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina denied a sheriff's deputy's motion for summary judgment in an action alleging excessive force under 42 U.S.C. § 1983 and assault and battery under North Carolina law. Viewing the facts in the plaintiff's favor, the court held that a reasonable jury could find that the plaintiff was unarmed, secured, and compliant when the deputy struck him with a flashlight, precluding qualified immunity and public official immunity.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina, Southern Division
WRITING FOR THE COURT	Terrence W. Boyle
JURISDICTION	United States District Court for the Eastern District of North Carolina, Southern Division
DECIDED	March 27, 2026
DOCKET	No. 7:23-CV-1452-BO-BM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on plaintiff's 42 U.S.C. § 1983 excessive-force claim and state-law assault and battery claims, including defenses of qualified immunity and public official immunity. The court denied the motion.
STANDARD OF REVIEW	Summary judgment is appropriate only 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 are viewed in the light most favorable to the nonmoving party; at the qualified-immunity stage, the court generally adopts the plaintiff's version of disputed facts and does not make credibility determinations.
PRECEDENTIAL VALUE	unreported district court order; precedential status not designated in the source

TOPICS

summary judgment

qualified immunity

section 1983

police misconduct

civil rights

PRACTICE AREAS

civil rights

constitutional law

torts

civil procedure

QUESTIONS PRESENTED

1. Whether genuine disputes of material fact precluded summary judgment on Cain's Fourth Amendment excessive-force claim under 42 U.S.C. § 1983.
2. Whether Shaw was entitled to qualified immunity at the summary-judgment stage.
3. Whether genuine factual disputes precluded summary judgment on Cain's state-law assault and battery claims.
4. Whether Shaw was entitled to North Carolina public official immunity.

HOLDINGS

1. Summary judgment was denied because, viewing the facts in Cain's favor, a reasonable jury could find that Shaw used excessive force by striking Cain after Cain had emerged from the pond, reached the shore, was on the ground, and was no longer resisting or posing an immediate threat.
2. Shaw was not entitled to qualified immunity at summary judgment because, under Cain's version of the facts, he violated a clearly established Fourth Amendment right to be free from gratuitous and disproportionate force after submitting to police and becoming secured and unarmed.
3. Summary judgment was denied on the state-law assault and battery claims because a reasonable jury could find that Shaw's use of force was not reasonably necessary to effect the arrest.
4. Shaw was not entitled to public official immunity because a reasonable jury could find that he acted with malice when he struck an unarmed and compliant Cain.

KEY QUOTATIONS

"[A]ll claims that law enforcement officers have used excessive force—deadly or not—in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen should be analyzed under the Fourth Amendment and its 'reasonableness' standard." (at 3)

"[S]uspects can be secured without handcuffs when they are pinned to the ground, and... such suspects cannot be subjected to further force." (at 4)

"The use of any unnecessary, gratuitous, and disproportionate force, whether arising from a gun, a baton, a taser, or other weapon, precludes an officer from receiving qualified immunity if the subject is unarmed and secured." (at 6)

FACTUAL BACKGROUND

Deputy Michael Hal Shaw stopped William Colt Cain, determined that Cain was driving with a suspended license, and pursued him after Cain sped away, ultimately crashing into a pond. After Cain exited the partially submerged vehicle and reached the embankment, he fell to his hands and knees and, according to his evidence, complied with police instructions. Shaw, who outweighed Cain by approximately 100 pounds, struck Cain in the head at least three times with a flashlight, causing lacerations treated with eight staples. The parties disputed whether Cain appeared to reach for his waistband and whether Shaw reasonably believed Cain was armed.

PROCEDURAL HISTORY

Cain brought claims against Shaw after Shaw allegedly struck him in the head with a flashlight following a vehicle pursuit and arrest. The parties filed competing statements of material facts, and the court held a hearing on October 16, 2025. The court concluded that material factual disputes required a jury determination and denied summary judgment, anticipating a May 2026 trial term.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 588 (1986)
- Scott v. Harris, 550 U.S. 372, 378, 381 n.8 (2007)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986)
- Libertarian Party of Va. v. Judd, 718 F.3d 308, 313 (4th Cir. 2013)
- Thompson v. Potomac Elec. Power Co., 312 F.3d 645, 649 (4th Cir. 2002)
- Schultz v. Braga, 455 F.3d 470, 476-77 (4th Cir. 2006)
- Graham v. Connor, 490 U.S. 386, 395-96 (1989)
- Henry v. Purnell, 652 F.3d 524, 531 (4th Cir. 2011)
- Kingsley v. Hendrickson, 576 U.S. 389, 397 (2015)
- Est. of Jones v. City of Martinsburg, 961 F.3d 661, 668 (4th Cir. 2020)
- Barricks v. Wright, No. 7:23-CV-00551, 2025 WL 692362, at *18 (W.D. Va. Mar. 4, 2025)
- Rowland v. Perry, 41 F.3d 167, 172-74 (4th Cir. 1994)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Melgar v. Greene, 593 F.3d 348, 353 (4th Cir. 2010)
- Malley v. Briggs, 475 U.S. 335, 341 (1986)
- Iko v. Shreve, 535 F.3d 225, 230 (4th Cir. 2008)
- Hensley ex rel. N.C. v. Price, 876 F.3d 573, 579 (4th Cir. 2017)
- Wilson v. Prince George's County, Maryland, 893 F.3d 213, 220 (4th Cir. 2018)
- Meyers v. Baltimore Cnty., Md., 713 F.3d 723, 734-35 (4th Cir. 2013)
- Thomas v. Holly, 533 F. App'x 208, 218 (4th Cir. 2013)

- Jones v. Buchanan, 325 F.3d 520, 523-25, 528-30 (4th Cir. 2003)
- Kane v. Hargis, 987 F.2d 1005 (4th Cir. 1993)
- Lopp v. Anderson, 251 N.C. App. 161, 168 (2016)
- Wilcox v. City of Asheville, 222 N.C. App. 285, 288, 730 S.E.2d 226, 230 (2012)
- Smith v. State, 289 N.C. 303, 331 (1976)
- Allen v. City of Dunn, 708 F. Supp. 3d 743, 755 (E.D.N.C. 2023)

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