

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Alexander James Curry v. Aubrey Thorne and Luis Moran-Godinez

Curry v. Thorne · No. 2:24-cv-802-SPC-DNF · Decided February 18, 2026

SUMMARY

The court ruled on Defendant Aubrey Thorne’s motion to dismiss a prisoner’s 42 U.S.C. § 1983 claims alleging excessive force in violation of the Eighth Amendment. The court held that the allegations that Thorne slammed the plaintiff’s face into a wall and used chemical agents without provocation plausibly stated excessive-force claims and defeated qualified immunity at the pleading stage. The court dismissed the plaintiff’s official-capacity claims under the Eleventh Amendment and ordered Thorne to answer the complaint within 14 days.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 18, 2026
DOCKET	2:24-cv-802-SPC-DNF
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Aubrey Thorne moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss a prisoner's 42 U.S.C. § 1983 complaint alleging Eighth Amendment excessive force.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepted the complaint's factual allegations as true and viewed them in the light most favorable to the plaintiff, asking whether the allegations stated a facially plausible claim.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Alexander James Curry v. Aubrey Thorne, Luis Moran-Godinez

TOPICS

section 1983

prisoners rights

police misconduct

qualified immunity

motions to dismiss

PRACTICE AREAS

civil rights

prisoner litigation

constitutional torts

federal civil procedure

sovereign immunity

QUESTIONS PRESENTED

1. Whether Curry plausibly alleged that Thorne used excessive force in violation of the Eighth Amendment by slamming Curry's face into a wall.
2. Whether Curry plausibly alleged that Thorne's use of chemical agents violated the Eighth Amendment.
3. Whether the Eleventh Amendment barred Curry's official-capacity claims for monetary damages against Thorne.
4. Whether Thorne was entitled to qualified immunity at the motion-to-dismiss stage.

HOLDINGS

1. Curry adequately stated an Eighth Amendment excessive-force claim because the alleged face-slamming plausibly showed force applied maliciously and sadistically for the purpose of causing harm and sufficiently serious resulting injury.
2. Curry adequately stated an Eighth Amendment excessive-force claim based on allegations that Thorne sprayed chemical agents in Curry's face without provocation while Curry was secured in his cell and had an open, bleeding wound.
3. The Eleventh Amendment barred Curry's claims for monetary damages against Thorne in his official capacity as a state official.
4. Thorne was not entitled to qualified immunity at the pleading stage because Curry adequately alleged an Eighth Amendment violation and the unlawfulness of unjustified excessive force against a prisoner, including unjustified chemical-agent use against a secured, nonthreatening prisoner, was clearly established.

KEY QUOTATIONS

“The core judicial inquiry for an excessive-force claim is “whether force was applied in a good faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm.”” (946 F.3d at 1265)

“where chemical agents are used unnecessarily, without penological justification, or for the very purpose of punishment or harm, that use satisfies the Eighth Amendment’s objective harm requirement.” (614 F.3d at 1311)

“Thus, the rule has evolved that a suit by private parties seeking to impose a liability which must be paid from public funds in the state treasury is barred by the Eleventh Amendment.” (415 U.S. at 663)

FACTUAL BACKGROUND

Curry, a Florida Department of Corrections prisoner, alleged that correctional officer Thorne slammed his face into a wall after Curry complied with an order to end a phone call, causing a bleeding gash above his eye. Curry further alleged that Thorne and Moran-Godinez sprayed chemical agents in his face without provocation while

he was at his cell and had an open wound. He alleged permanent facial scarring and mental and emotional trauma and sought compensatory and punitive damages.

PROCEDURAL HISTORY

Curry sued correctional officers Aubrey Thorne and Luis Moran-Godinez under § 1983 and the Eighth Amendment. The court previously granted in part Moran-Godinez's motion to dismiss. On Thorne's motion to dismiss, the court dismissed Curry's official-capacity claims but denied dismissal of the individual-capacity excessive-force claims and rejected qualified immunity at the pleading stage.

DISPOSITION

other

REMAND INSTRUCTIONS

Thorne must answer the Complaint within 14 days of the Opinion and Order. Curry's official-capacity claims were dismissed; the remaining individual-capacity claims proceeded.

CASES CITED

- Chandler v. Sec'y Fla. Dep't of Transp., 695 F.3d 1194, 1198-99 (11th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Bingham v. Thomas, 654 F.3d 1171, 1175 (11th Cir. 2011)
- Arrington v. Cobb Cnty., 139 F.3d 865, 872 (11th Cir. 1998)
- Marsh v. Butler Cnty., Ala., 268 F.3d 1014, 1059 (11th Cir. 2001)
- Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998)
- Washington v. Dep't of Children & Families, 256 F. App'x 326, 327 (11th Cir. 2007)
- Sconiers v. Lockhart, 946 F.3d 1256, 1265 (11th Cir. 2020)
- Wilkins v. Gaddy, 559 U.S. 34, 37 (2010)
- Hudson v. McMillian, 503 U.S. 1, 8 (1992)
- Thomas v. Bryant, 614 F.3d 1288, 1311 (11th Cir. 2010)
- Edelman v. Jordan, 415 U.S. 651, 662-63 (1974)
- Carr v. City of Florence, 916 F.2d 1521, 1525 (11th Cir. 1990)
- Snorton v. Owens, 808 F. App'x 814, 820-21 (11th Cir. 2020)
- Anderson v. Vazquez, 813 F. App'x 358, 360 (11th Cir. 2020)
- D.C. v. Wesby, 138 S. Ct. 577, 589 (2018)
- Davis v. Locke, 936 F.2d 1208, 1213 (11th Cir. 1991)