

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

John Phillip Wright Dukeman, II v. Dylan Wyatt

No. No. 25-1632, United States Court of Appeals for the Eighth Circuit (February 12, 2026)

SUMMARY

The Eighth Circuit reversed the denial of qualified immunity to Missouri Highway Patrol Trooper Dylan Wyatt in a 42 U.S.C. § 1983 excessive-force action involving the deployment of a police canine. The court held that the complaint did not sufficiently allege Wyatt’s personal involvement, opportunity, or means to prevent the canine’s use of force, nor establish a clearly established duty for him to issue a warning or intervene on behalf of another law enforcement agency’s canine. The case was remanded with instructions to dismiss the claims against Wyatt.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Erickson, Circuit Judge; Colloton, Chief Judge; Shepherd, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	February 12, 2026
DOCKET	No. 25-1632
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from the denial of Trooper Wyatt's motion to dismiss on qualified-immunity grounds in a 42 U.S.C. § 1983 excessive-force and failure-to-intervene action.
STANDARD OF REVIEW	De novo review of the denial of qualified immunity at the motion-to-dismiss stage; interlocutory jurisdiction extends to legal issues concerning qualified immunity.
PRECEDENTIAL VALUE	Published Eighth Circuit opinion; precedential value is indicated by the source metadata.
PARTIES	Dylan Wyatt v. John Phillip Wright Dukeman, II

TOPICS

- qualified immunity
- section 1983
- police misconduct
- interlocutory appeal
- appellate procedure

PRACTICE AREAS

civil rights

constitutional law

police misconduct

appellate procedure

QUESTIONS PRESENTED

1. Whether Wyatt was entitled to qualified immunity on Dukeman's claim that Wyatt violated a clearly established right by failing to issue a canine warning before the county deputy deployed Ares.
2. Whether Wyatt was entitled to qualified immunity on Dukeman's failure-to-intervene claim based on Wyatt's alleged failure to command, intercept, or remove a police canine belonging to another law-enforcement agency.
3. Whether Dukeman's collective allegations against the officers sufficiently pleaded Wyatt's personal involvement in the alleged constitutional violations.

HOLDINGS

1. A § 1983 plaintiff must establish each individual defendant's personal involvement, and allegations describing collective conduct by multiple officers are insufficient without factual allegations connecting the particular defendant to the alleged constitutional violation.
2. Wyatt was entitled to qualified immunity because Dukeman did not identify clearly established law requiring an officer from a different law-enforcement agency, who was not the canine handler and had no police canine at the scene, to issue a canine warning on behalf of the handler.
3. Wyatt was entitled to qualified immunity on the failure-to-intervene claim because Dukeman did not allege facts showing that Wyatt had both the opportunity and the means to prevent Ares from harming him, or that Wyatt's duty to intervene in this specific context was clearly established.

KEY QUOTATIONS

“A law enforcement officer may be held liable under § 1983 only for his own misconduct.” (at 3)

“Without some allegation or showing that Trooper Wyatt had the opportunity and the means to prevent Ares from harming Dukeman, Dukeman cannot satisfy his burden of showing the violation of a clearly established right.” (at 5)

FACTUAL BACKGROUND

Sheriff's deputies pursued Dukeman after he stole a school bus, and Trooper Dylon Wyatt assisted in the search. After officers located Dukeman in a wooded area, Sergeant Charles Ochs released a county police canine, Ares, which bit Dukeman on his right arm, right leg, and groin. Dukeman did not allege that Wyatt personally used force; instead, he alleged that Wyatt failed to intervene, command the canine, or stop the attack. Wyatt was a highway patrol officer from a different law-enforcement agency and was not alleged to have a specific relationship with, or knowledge or experience concerning, Ares.

PROCEDURAL HISTORY

Dukeman brought a § 1983 action alleging that law-enforcement officers used excessive force when a county police canine was deployed during his arrest. The district court denied Wyatt's motion to dismiss, concluding that the allegations were sufficient at the initial-review stage to state claims and that clearly established law required an adequate canine warning and an opportunity for peaceful surrender. The Eighth Circuit exercised interlocutory jurisdiction over the qualified-immunity issue, reversed, and remanded with directions to dismiss the claims against Wyatt.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand with directions to dismiss the claims against Trooper Wyatt.

CASES CITED

- Arnold v. McClinton, 112 F.4th 598, 601 (8th Cir. 2024)
- Adams v. City of Cedar Rapids, 74 F.4th 935, 940 (8th Cir. 2023)
- Faulk v. City of St. Louis, Mo., 30 F.4th 739, 742 (8th Cir. 2022)
- Carter v. Ludwick, 139 F.4th 982, 989 (8th Cir. 2025)
- Weaver v. Clarke, 45 F.3d 1253, 1255 (8th Cir. 1995)
- Hanson, as Trustee for Layton v. Best, 915 F.3d 543, 548 (8th Cir. 2019)
- White v. Jackson, 865 F.3d 1064, 1081 (8th Cir. 2017)
- Handt v. Lynch, 681 F.3d 939, 944 (8th Cir. 2012)
- Torres v. City of St. Louis, 39 F.4th 494, 504-05 (8th Cir. 2022)
- Smith v. City of Minneapolis, 754 F.3d 541, 547-48 (8th Cir. 2014)
- Mendoza v. Block, 27 F.3d 1357 (9th Cir. 1994)
- Watkins v. City of Oakland, Cal., 145 F.3d 1087 (9th Cir. 1998)
- Miller v. Clark Cnty., 340 F.3d 959 (9th Cir. 2003)
- Robinson v. Payton, 791 F.3d 824, 829 (8th Cir. 2015)
- Nance v. Sammis, 586 F.3d 604, 612 (8th Cir. 2009)

OPINION

John Dukeman, II v. Dylon Wyatt

PER CURIAM.

United States Court of Appeals For the Eighth Circuit _____ No. 25-1632 _____ John Phillip Wright Dukeman, II Plaintiff - Appellee v. Ste. Genevieve County; Genevieve County Sheriff’s Department; Gary Stolzer; Richard Placke; Charles Ochs; Trevor Green Defendants Dylon Wyatt Defendant - Appellant _____ Appeal from United States District Court for the Eastern District of Missouri - Cape Girardeau

_____ Submitted: November 19, 2025 Filed: February 12, 2026 _____ Before COLLOTON, Chief Judge, SHEPHERD and ERICKSON, Circuit Judges. _____ ERICKSON, Circuit Judge. John Phillip Wright Dukeman, II, commenced this action under 42 U.S.C. § 1983 against several Ste. Genevieve County sheriff’s deputies and a Missouri Highway Patrol trooper, alleging the officers used excessive force when a Ste. Genevieve County police canine was utilized to facilitate his arrest. Trooper Dylon Wyatt appeals the district court’s interlocutory order denying his motion to dismiss based on qualified immunity. We have jurisdiction to review an interlocutory order denying qualified immunity to the extent the appeal turns on issues of law. *Arnold v. McClinton*, 112 F.4th 598, 601 (8th Cir. 2024). Reviewing the denial of qualified immunity de novo, we reverse and remand with instructions to dismiss the claims against Trooper Wyatt.

I. BACKGROUND

On November 8, 2020, Sergeant Charles Ochs and other Ste. Genevieve County sheriff’s deputies pursued Dukeman for stealing a school bus, in violation of Mo. Rev. Stat. § 569.080.1(2).1 Trooper Wyatt responded to assist the sheriff’s deputies in their search for Dukeman. Officers eventually spotted Dukeman in a wooded area behind the house he shared with his mother in Bloomsdale, Missouri. To facilitate the arrest, Sergeant Ochs released Ares, his police canine, which bit Dukeman’s right arm, right leg, and groin. Dukeman claims the officers acted in concert to violate his Fourth Amendment right to be free from excessive force. In his petition, Dukeman repeatedly alleges that during his arrest the “Defendants” violated the Ste. Genevieve County Sheriff’s Department’s written guidelines for apprehension, use of force, and K-9 use (“County’s Force Guidelines”) as well as federal law. According to Dukeman, the officers collectively used excessive force when they acted recklessly in the deployment of Ares, failed to properly command and control Ares, failed to provide a clear audible warning announcing the use of a police canine, and failed to intervene and remove Ares once Dukeman surrendered. Dukeman’s petition fails to identify any specific display of force used by Trooper Wyatt. Instead, Trooper Wyatt allegedly failed to intervene 1 A jury acquitted Dukeman of tampering with a school bus and found him guilty of resisting arrest by flight. -2- to prevent other officers from a different agency from using excessive force, and he allegedly failed to command or “out” Ares once Dukeman surrendered. The district court determined that Trooper Wyatt was not entitled to qualified immunity because it was clearly established that officers must provide an adequate canine warning and allow the suspect “an opportunity for peaceful surrender.” *Adams v. City of Cedar Rapids*, 74 F.4th 935, 940 (8th Cir. 2023). The district court also found that, although the allegations were “relatively scant,” they were sufficient at the initial review stage to state a failure-to-intervene claim against Trooper Wyatt. Trooper Wyatt invokes our limited jurisdiction to review the court’s interlocutory order. See *Faulk v. City of St. Louis, Mo.*, 30 F.4th 739, 742 (8th Cir. 2022).

II. DISCUSSION

At the motion to dismiss stage, an officer may be granted qualified immunity “only when the

immunity is established on the face of the complaint.” *Carter v. Ludwick*, 139 F.4th 982, 989 (8th Cir. 2025) (quoting *Weaver v. Clarke*, 45 F.3d 1253, 1255 (8th Cir. 1995)). Once qualified immunity is asserted, the plaintiff bears the burden of demonstrating the law confirming his constitutional right was clearly established. *Hanson, as Trustee for Layton v. Best*, 915 F.3d 543, 548 (8th Cir. 2019). “This inquiry does not require a case directly on point, but existing precedent must have placed the constitutional question beyond debate.” *Carter*, 139 F.4th at 990 (cleaned up). A law enforcement officer may be held liable under § 1983 only for his own misconduct. See *White v. Jackson*, 865 F.3d 1064, 1081 (8th Cir. 2017) (“To prevail on a § 1983 claim, a plaintiff must show each individual defendant’s personal involvement in the alleged violation.”). When multiple officers are named in an action, the district court must review each officer’s actions separately. See *Handt v. Lynch*, 681 F.3d 939, 944 (8th Cir. 2012) (explaining the district court must engage in a fulsome qualified immunity analysis by examining the facts pertaining to each defendant for each alleged constitutional violation).

-3- An officer who was not personally involved in the use of force is entitled to qualified immunity. See *Torres v. City of St. Louis*, 39 F.4th 494, 504-05 (8th Cir. 2022) (concluding that two of the officers, while on scene, did not fire their weapon or use force against the plaintiff and were entitled to qualified immunity). The district court erred when it found Dukeman’s general allegations regarding the use of Ares were applicable to all officers, without reviewing the facts underlying each officer’s conduct. See *Smith v. City of Minneapolis*, 754 F.3d 541, 547-48 (8th Cir. 2014) (reiterating that an officer may be held liable only for his or use of excessive force); *Handt*, 681 F.3d at 944 (remanding for the district court to consider each officer’s actions separately). Dukeman acknowledges that Trooper Wyatt himself did not use any force. In response to Trooper Wyatt’s arguments regarding the insufficiency of Dukeman’s group pleading, Dukeman asserts in his brief that Trooper Wyatt can be held liable as a participant in the unconstitutional conduct because he “could have intervened and restrained the K-9 and/or stopped the attack.” Dukeman’s assertion is unsupported by any factual allegation and premised on mere speculation. Further, the cases Dukeman relies on are inapposite. Dukeman cites three Ninth Circuit cases: *Mendoza v. Block*, 27 F.3d 1357 (9th Cir. 1994); *Watkins v. City of Oakland, Cal.*, 145 F.3d 1087 (9th Cir. 1998); and *Miller v. Clark Cnty.*, 340 F.3d 959 (9th Cir. 2003). None of these cases confront or address an officer’s obligation to warn, command, intervene, or otherwise stop another officer’s dog—let alone a different law enforcement agency’s police canine—from biting a suspect. Similarly, Dukeman’s reliance on this Court’s decision in *Adams*, 74 F.4th 935, is unavailing. The decision in *Adams* was issued after the events giving rise to Dukeman’s arrest. But, more importantly, while *Adams* confirmed that a canine handler is required to provide an adequate warning when searching with his police dog trained to bite and hold, *Adams* did not announce that the duty extended to all officers at the scene. Ares was brought to the scene by his handler, Sergeant Ochs, an employee of the Ste. Genevieve County Sheriff’s Department. Trooper Wyatt, a highway patrolman, aided in the search for Dukeman. Dukeman has not pointed -4- us to any authority establishing that an officer from a

different law enforcement agency and without a police canine on scene should have understood that, as part of his role in assisting in a search for a suspect, he had a duty to intervene and issue a canine warning on behalf of the handler. Dukeman's collective allegation that all officers on scene used excessive force, without some showing that Trooper Wyatt used force and violated a clearly established right, is insufficient to satisfy his burden. Trooper Wyatt is entitled to qualified immunity on Dukeman's claim that he violated a clearly established right by not issuing a canine warning prior to the sheriff's deputy's decision to deploy his police canine. Dukeman's claim that Trooper Wyatt had a duty to intervene to prevent injury suffers from the same shortcomings. To be liable, a police officer must have (1) "observed or had reason to know that excessive force would be or was being used," and (2) "had both the opportunity and the means to prevent the harm from occurring." *Robinson v. Payton*, 791 F.3d 824, 829 (8th Cir. 2015) (quoting *Nance v. Sammis*, 586 F.3d 604, 612 (8th Cir. 2009)). The duty to intervene must be clearly established in the specific context of the case. *Id.* Dukeman insists that Trooper Wyatt should have issued verbal commands to control Ares or he should have physically attempted to stop and remove Ares. Dukeman does not allege that Trooper Wyatt had any specific knowledge or experience in handling a police canine. Nor has Dukeman pointed us to any factual allegation or authority demonstrating an officer with no known relationship to a police canine has a clearly established obligation to intercept the canine or physically remove the canine trained to bite and hold a suspect. Likewise, there is no allegation or indication that verbal commands from a non-deploying officer would have had any effect on Ares or otherwise mitigated the situation. Without some allegation or showing that Trooper Wyatt had the opportunity and the means to prevent Ares from harming Dukeman, Dukeman cannot satisfy his burden of showing the violation of a clearly established right. -5- An officer standing in Trooper Wyatt's position would not have been on notice that he was required to verbally command or physically attempt to intercept or remove a police canine belonging to another law enforcement agency or risk violating a suspect's constitutional rights. Without such a showing, Trooper Wyatt is entitled to qualified immunity on Dukeman's failure-to-intervene claim. See *Robinson*, 791 F.3d at 829 (stating the duty to intervene must be clearly established in the specific context of the case).

III. CONCLUSION

For the foregoing reasons, the district court's order denying qualified immunity to Trooper Wyatt is reversed, and the case is remanded with directions to dismiss the claims against Trooper Wyatt.