

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Robert Nunn v. Felicia Delligatti

Civil Action No. 24-6810 · No. 2:24-cv-06810 · Decided November 24, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania considers Defendant Felicia Delligatti’s motion for summary judgment in Robert Nunn’s action under 42 U.S.C. § 1983 and Pennsylvania tort law. The claims arise from alleged excessive force used while Nunn was handcuffed and being escorted into a police station. The court concludes that disputed evidence concerning whether Delligatti shoved Nunn to the ground precludes summary judgment on the Fourth Amendment and assault and battery claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Wendy Beetlestone
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	November 24, 2025
DOCKET	2:24-cv-06810
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment under Federal Rule of Civil Procedure 56(a) on the plaintiff's Section 1983 excessive-force claim and Pennsylvania battery claim.
STANDARD OF REVIEW	Summary judgment is proper 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 summary judgment, the court resolves historical factual disputes in the nonmovant's favor when supported by the record, while objective reasonableness under the Fourth Amendment is a legal question for the court.
PRECEDENTIAL VALUE	unpublished

TOPICS

- section 1983
- qualified immunity
- police misconduct
- summary judgment
- civil rights

PRACTICE AREAS

civil rights

constitutional law

police misconduct

civil procedure

torts

QUESTIONS PRESENTED

1. Whether the evidence created a genuine dispute of material fact as to whether Delligatti used more than de minimis force against Nunn.
2. Whether Delligatti's alleged shove of a handcuffed arrestee to the ground was objectively unreasonable under the totality of the circumstances and the Graham factors.
3. Whether Delligatti was entitled to qualified immunity at the summary-judgment stage despite the factual dispute concerning the nature of the force used.
4. Whether the factual dispute also precluded summary judgment on Nunn's Pennsylvania battery claim.

HOLDINGS

1. Summary judgment was inappropriate because the evidence, viewed in Nunn's favor, would permit a reasonable jury to find that Delligatti shoved him to the ground rather than merely guiding him with a soft-hand technique.
2. If the jury credited Nunn's account that Delligatti shoved him to the ground while he was handcuffed and secured, the force could constitute more than de minimis and objectively unreasonable force under the Fourth Amendment.
3. The court could not determine qualified immunity on summary judgment because the disputed nature of the force—soft-hand guidance versus a shove to the ground—materially affected both the constitutional-violation and clearly-established-right inquiries.
4. Summary judgment was inappropriate on the Pennsylvania battery claim because the disputed reasonableness of Delligatti's force also determined whether the force was unnecessary or excessive under Pennsylvania law.

KEY QUOTATIONS

“A disputed fact is ‘material’ if it would affect the outcome of the suit as determined by the substantive law,”

“The central inquiry is whether, in the context of the case at bar, “the violative nature of particular conduct is clearly established.””

“It follows that whether Delligatti shoved Nunn is a disputed issue of material fact which precludes summary judgment on Nunn’s Fourth Amendment excessive force claim in that it must be decided—one way or the other—by a jury.”

FACTUAL BACKGROUND

On October 6, 2022, Coatesville police arrested Nunn on charges including terroristic threats, simple assault, strangulation, resisting arrest, harassment, and disorderly conduct. Nunn was handcuffed and transported to the police station, where he initially delayed exiting the police vehicle and walked backward while maintaining eye

contact with an officer. Delligatti approached Nunn with her arms extended, made contact with the back of his arms, and Nunn fell forward and suffered a bleeding head injury. The parties disputed whether Delligatti shoved Nunn to the ground or used a soft empty-hand control technique while Nunn tripped and fell.

PROCEDURAL HISTORY

Robert Nunn sued Coatesville police officer Felicia Delligatti under 42 U.S.C. § 1983 for alleged excessive force in violation of the Fourth Amendment and under Pennsylvania law for battery. Delligatti moved for summary judgment, arguing that the force was not actionable or was objectively reasonable and that qualified immunity applied. The court denied the motion because a genuine dispute existed over whether Delligatti shoved Nunn to the ground or used a soft-hand technique during which Nunn tripped.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-49, 252, 257 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Hugh v. Butler Cty. Family YMCA, 418 F.3d 265, 267 (3d Cir. 2005)
- Imbler v. Pachtman, 424 U.S. 409, 417 (1976)
- Saucier v. Katz, 533 U.S. 194, 204 (2001)
- Ashcroft v. al-Kidd, 563 U.S. 731, 741-43 (2011)
- Pearson v. Callahan, 555 U.S. 223, 231-32 (2009)
- Anglemeyer v. Ammons, 92 F.4th 184, 188 (3d Cir. 2024)
- Peroza-Benitez v. Smith, 994 F.3d 157, 165 (3d Cir. 2021)
- Rivas v. City of Passaic, 365 F.3d 181, 198 (3d Cir. 2004)
- Tennessee v. Garner, 471 U.S. 1, 7 (1985)
- Graham v. Connor, 490 U.S. 386, 396-97 (1989)
- Barnes v. Felix, 605 U.S. 73, 76, 80 (2025)
- Scott v. Harris, 550 U.S. 372, 380-81 & n.8 (2007)
- Ringgold v. Keller, 608 F. App'x 102, 104 (3d Cir. 2015)
- Sharrar v. Felsing, 128 F.3d 810, 822 (3d Cir. 1997)
- Rivas-Villegas v. Cortesluna, 595 U.S. 1, 5 (2021)
- Montemuro v. Jim Thorpe Area Sch. Dist., 99 F.4th 639, 645 (3d Cir. 2024)
- Jefferson v. Lias, 21 F.4th 74, 81 (3d Cir. 2021)
- Urda v. Sokso, 146 F.4th 311, 314 (3d Cir. 2025)
- Renk v. City of Pittsburgh, 641 A.2d 289, 293 (Pa. 1994)

