

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION

Danita McKenzie v. Thomas Cleveland, et al.

Case No. 2:23-cv-00002-JHE · No. 2:23-cv-00002-JHE · Decided February 9, 2026

SUMMARY

The United States District Court for the Northern District of Alabama grants summary judgment to Deputies Thomas Cleveland and J. Adams in Danita McKenzie’s action arising from her arrest during a domestic-violence response. The court holds that the deputies were acting within their discretionary authority and concludes that the force used to restrain and handcuff McKenzie was objectively reasonable under the Fourth Amendment. The opinion also addresses McKenzie’s state-law assault, battery, and intentional-infliction-of-emotional-distress claims, although the provided text ends before the complete analysis is shown.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama, Southern Division
WRITING FOR THE COURT	John H. England, III
JURISDICTION	United States District Court for the Northern District of Alabama, Southern Division
DECIDED	February 9, 2026
DOCKET	2:23-cv-00002-JHE
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved for summary judgment on federal claims under 42 U.S.C. § 1983 and state-law claims for assault and battery and intentional infliction of emotional distress. The court granted the motion and dismissed the action with prejudice.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. For qualified immunity at summary judgment, the evidence is viewed in the light most favorable to the nonmoving party, and the court determines whether a reasonable dispute exists as to a violation of a clearly established constitutional right. Excessive force is reviewed under the Fourth Amendment's objective-reasonableness

	standard. Probable cause and arguable probable cause are evaluated under the applicable Fourth Amendment standards.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Danita McKenzie v. Thomas Cleveland, J. Adams

TOPICS

qualified immunity

section 1983

police misconduct

summary judgment

sovereign immunity

PRACTICE AREAS

civil rights

constitutional law

police misconduct

civil procedure

torts

QUESTIONS PRESENTED

1. Whether Cleveland and Adams were acting within their discretionary authority for purposes of qualified immunity despite an alleged failure to follow a departmental domestic-violence arrest manual.
2. Whether the deputies used excessive force in violation of the Fourth Amendment when they restrained McKenzie, struck her arm, guided her to the ground, and handcuffed her.
3. Whether Cleveland had arguable probable cause to arrest McKenzie, defeating her Fourth Amendment unreasonable-seizure claim under qualified immunity.
4. Whether McKenzie's state-law assault and battery and intentional-infliction-of-emotional-distress claims were barred by Alabama constitutional immunity because the deputies acted within the line and scope of their duties.

HOLDINGS

1. A government official does not lose qualified immunity merely because the official allegedly violated a departmental policy or administrative procedure. Cleveland and Adams were acting within their discretionary authority because responding to a 911 call, apprehending a suspect, and making an arrest were within the duties and scope of their authority.
2. The deputies did not use excessive force in violation of the Fourth Amendment. Their use of force, including holding McKenzie's arm, striking her arm two or three times to release her grip on the doorknob, guiding her to the ground, and handcuffing her, was objectively reasonable under the circumstances.
3. The unreasonable-seizure claim failed because Cleveland had at least arguable probable cause to arrest McKenzie for domestic violence.
4. The failure-to-intervene claim was resolved in favor of the defendants because McKenzie conceded the claim in her opposition to summary judgment.
5. The deputies were immune under Article I, § 14 of the Alabama Constitution from McKenzie's state-law assault and battery and intentional-infliction-of-emotional-distress claims because they acted within the line and scope of their duties.

KEY QUOTATIONS

“Officials sued for constitutional violations do not lose their qualified immunity merely because their conduct violates some statutory or administrative provisions.”

“Given the totality of the Graham factors, the undersigned concludes that the force the defendants used was “reasonably proportionate to the need for that force,””

FACTUAL BACKGROUND

After McKenzie called 911 to report that her fiancé had pushed, choked, and thrown her, Deputies Cleveland and Adams responded to her home. The fiancé told Cleveland that McKenzie had struck him and that he had grabbed her throat in response. When McKenzie attempted to return inside after Adams directed her to put her hands behind her back, she refused and held a doorknob; Cleveland struck her arm two or three times to release her grip, and the deputies guided her to the ground and handcuffed her. Body-camera footage showed that the deputies stopped using force after the handcuffs were applied.

PROCEDURAL HISTORY

McKenzie filed an amended complaint against Deputies Thomas Cleveland, J. Adams, and C. Wade. She later voluntarily dismissed Wade and all claims against him. Cleveland and Adams moved for summary judgment; after supplemental briefing concerning intervening Alabama Supreme Court authority on state-law immunity, the court granted summary judgment on all remaining claims and ordered dismissal with prejudice.

DISPOSITION

dismissed

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252 (1986)
- Hallums v. Infinity Insurance Co., 945 F.3d 1144, 1148 (11th Cir. 2019)
- Adickes v. S.H. Kress & Co., 398 U.S. 144, 225 (1970)
- Pace v. Capobianco, 283 F.3d 1275, 1276-78 (11th Cir. 2002)
- Ellis v. England, 432 F.3d 1321, 1326 (11th Cir. 2005)
- Bald Mtn. Park, Ltd. v. Oliver, 836 F.2d 1560, 1563 (11th Cir. 1988)
- Walker v. Darby, 911 F.2d 1573, 1577 (11th Cir. 1990)
- Wright v. Farouk Systems, Inc., 701 F.3d 907, 911 n. 8 (11th Cir. 2012)
- Morton v. Kirkwood, 707 F.3d 1276, 1280 (11th Cir. 2013)
- Kesinger v. Herrington, 381 F.3d 1243, 1248 (11th Cir. 2004)
- Jordan v. Doe, 38 F.3d 1559, 1566 (11th Cir. 1994)
- Rich v. Dollar, 841 F.2d 1558, 1564 (11th Cir. 1988)
- White v. City of Birmingham, 96 F. Supp. 3d 1260, 1285 (N.D. Ala. 2015)

- Gonzalez v. Reno, 325 F.3d 1228, 1234 (11th Cir. 2003)
- Saucier v. Katz, 533 U.S. 194 (2001)
- O'Rourke v. Hayes, 378 F.3d 1201, 1206 (11th Cir. 2004)
- Odom v. Boisvert, 2024 WL 3649048, at *3 (11th Cir. 2024)
- Davis v. Scherer, 468 U.S. 183, 188-96 (1984)
- Graham v. Connor, 490 U.S. 386, 396 (1989)
- Hadley v. Gutierrez, 526 F.3d 1324, 1329 (11th Cir. 2008)
- Kingsley v. Hendrickson, 576 U.S. 389, 397 (2015)
- Patel v. Lanier County, Georgia, 969 F.3d 1173, 1182 (11th Cir. 2020)
- Johnson v. Conway, 688 Fed. Appx. 700, 709 (11th Cir. 2017)
- Brown v. City of Huntsville, 608 F.3d 724, 740 (11th Cir. 2010)
- Nolin v. Isbell, 207 F.3d 1253, 1255, 1258 (11th Cir. 2000)
- Gold v. City of Miami, 121 F.3d 1442, 1446-47 (11th Cir. 1997)
- Williams v. City of Montgomery, 839 Fed. Appx. 356, 362 (11th Cir. 2020)
- Post v. City of Fort Lauderdale, 7 F.3d 1552, 1559-60 (11th Cir. 1993)
- Perkins v. Thrasher, 701 Fed. Appx. 887, 889 (11th Cir. 2017)
- Skop v. City of Atlanta, 485 F.3d 1130, 1137 (11th Cir. 2007)
- United States v. Floyd, 281 F.3d 1346, 1348 (11th Cir. 2002)
- Carter v. Butts County, 821 F.3d 1310, 1320 (11th Cir. 2016)
- Ex parte Haralson, 853 So. 2d 928, 932 (Ala. 2003)
- Phillips v. Thomas, 555 So. 2d 81, 83 (Ala. 1989)
- Ex parte Cooper, 351 So. 3d 501, 502 (Ala. 2021)
- Barnhart v. Ingalls, 275 So. 3d 1112, 1125-27 (Ala. 2018)
- Ex parte Pinkard, 373 So. 3d 192 (Ala. 2022)
- Ex parte Underwood, 2025 WL 1776225, at *2, *4 (Ala. June 27, 2025)