

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Matusak v. Daminski

Matusak v. Daminski · No. 24-3157 · Decided January 29, 2026

SUMMARY

The United States Court of Appeals for the Second Circuit affirmed the district court’s grant of judgment as a matter of law to Monroe County Sheriff’s Office officers on qualified-immunity grounds. Although a jury found that two officers used excessive force during Christopher Matusak’s arrest, the court held that no clearly established law prohibited the force used against a resisting arrestee whom the officers reasonably, though mistakenly, believed posed a threat to officer safety.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Wesley, Circuit Judge; Livingston, Chief Judge; Wolford, District Judge, sitting by designation
JURISDICTION	United States Court of Appeals for the Second Circuit
DECIDED	January 29, 2026
DOCKET	24-3157
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a judgment following a jury trial in which the jury found that Murphy and Unterborn used excessive force but the district court granted the officers judgment as a matter of law based on qualified immunity.
STANDARD OF REVIEW	De novo review applies to a district court’s Rule 50 judgment as a matter of law, including its qualified-immunity determination. The evidence is viewed in the light most favorable to the nonmoving party, with the benefit of all reasonable inferences the jury might have drawn, but the court may not find facts contrary to the jury’s findings.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Christopher Matusak v. Deputy Matthew Daminski, Deputy Stephen Murphy, Sergeant Brian Unterborn

TOPICS

qualified immunity

section 1983

police misconduct

civil rights

appellate procedure

PRACTICE AREAS

civil rights

constitutional law

police misconduct

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court properly granted judgment as a matter of law to Murphy and Unterborn on qualified-immunity grounds after the jury found that they used excessive force.
2. Whether clearly established law as of February 1, 2018, prohibited officers from using fist strikes, knee strikes, and a taser against an arrestee who was resisting efforts to handcuff him and whom the officers reasonably, but mistakenly, believed posed a threat to officer safety.
3. Whether the district court erred by using special interrogatories asking whether Matusak was resisting, rather than distinguishing between active and passive resistance.

HOLDINGS

1. Murphy and Unterborn were entitled to qualified immunity because no clearly established law prohibited their use of fist strikes, knee strikes, and a taser against Matusak while he was resisting arrest and they reasonably, though mistakenly, believed he posed a threat to officer safety.
2. The district court did not err by asking whether Matusak was resisting rather than requiring the jury to classify his resistance as active or passive, because Second Circuit law had not clearly distinguished those categories for qualified-immunity purposes as of the date of the arrest.
3. An officer may receive qualified immunity based on a reasonable mistake of fact, including a reasonable but mistaken belief that an arrestee posed a threat to officer safety.

KEY QUOTATIONS

“We hold that Murphy and Unterborn are entitled to qualified immunity because no clearly established law prohibited the force the officers employed, where Matusak was resisting arrest and the officers reasonably, but mistakenly, believed he posed a threat to officer safety.” (at 2-3)

“Thus, by the time of Matusak’s arrest on February 1, 2018, it was clearly established that officers may not use significant force against arrestees who are compliant or non-resistant and non-threatening.” (at 27-28)

“Here, no clearly established law prohibited the officers’ use of fist and knee strikes and a taser where Matusak was resisting arrest and the officers reasonably, but mistakenly, believed he posed a threat to officer safety.” (at 42-43)

FACTUAL BACKGROUND

On February 1, 2018, Christopher Matusak fled from Deputy Matthew Daminski in Scottsville, New York, after Daminski followed him based on observed traffic violations. Daminski and responding officers used fist and knee strikes, pepper spray, and a taser before handcuffing Matusak. The jury found that Murphy and Unterborn used excessive force, but also found that Matusak was resisting the officers' attempts to pull out his arms and

that each officer reasonably believed Matusak posed a threat to officer safety, although he did not actually pose such a threat.

PROCEDURAL HISTORY

Matusak brought a 42 U.S.C. § 1983 action alleging that three Monroe County Sheriff's Office officers used excessive force during his arrest. After denying defendants' initial motion to dismiss as moot when it granted Matusak leave to amend, the district court conducted a jury trial. The jury found in favor of Daminski, but found that Murphy and Unterborn used excessive force and awarded \$200,000 in compensatory damages. Based on special interrogatories finding that Matusak resisted arrest and that Murphy and Unterborn reasonably believed he posed a threat to officer safety, the district court granted judgment as a matter of law to those officers on qualified-immunity grounds. The Second Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Jones v. Treubig, 963 F.3d 214 (2d Cir. 2020)
- Zellner v. Summerlin, 494 F.3d 344 (2d Cir. 2007)
- Pearson v. Callahan, 555 U.S. 223 (2009)
- Harlow v. Fitzgerald, 457 U.S. 800 (1982)
- Ashcroft v. al-Kidd, 563 U.S. 731 (2011)
- Saucier v. Katz, 533 U.S. 194 (2001)
- Anderson v. Creighton, 483 U.S. 635 (1987)
- Stephenson v. Doe, 332 F.3d 68 (2d Cir. 2003)
- Eaton v. Estabrook, 144 F.4th 80 (2d Cir. 2025)
- Kerman v. City of New York, 374 F.3d 93 (2d Cir. 2004)
- Kerman v. City of New York, 261 F.3d 229 (2d Cir. 2001)
- Hope v. Pelzer, 536 U.S. 730 (2002)
- White v. Pauly, 580 U.S. 73 (2017)
- City of Escondido v. Emmons, 586 U.S. 38 (2019)
- Kisela v. Hughes, 584 U.S. 100 (2018)
- Cugini v. City of New York, 941 F.3d 604 (2d Cir. 2019)
- Graham v. Connor, 490 U.S. 386 (1989)
- Tracy v. Freshwater, 623 F.3d 90 (2d Cir. 2010)
- Soto v. Gaudett, 862 F.3d 148 (2d Cir. 2017)
- Rogoz v. City of Hartford, 796 F.3d 236 (2d Cir. 2015)
- Muschette ex rel. A.M. v. Gionfriddo, 910 F.3d 65 (2d Cir. 2018)
- Terebesi v. Torres, 764 F.3d 217 (2d Cir. 2014)

- *Amnesty America v. Town of West Hartford*, 361 F.3d 113 (2d Cir. 2004)
- *Brown v. City of New York*, 862 F.3d 182 (2d Cir. 2017)
- *Crowell v. Kirkpatrick*, 400 F. App'x 592 (2d Cir. 2010)
- *McKinney v. City of Middletown*, 49 F.4th 730 (2d Cir. 2022)
- *Linton v. Zorn*, 135 F.4th 19 (2d Cir. 2025)
- *United States v. Omotayo*, 132 F.4th 181 (2d Cir. 2025)
- *Sullivan v. Gagnier*, 225 F.3d 161 (2d Cir. 2000)
- *Benny v. City of Long Beach*, No. 22-1863, 2023 WL 8642853 (2d Cir. Dec. 14, 2023)
- *Outlaw v. City of Hartford*, 884 F.3d 351 (2d Cir. 2018)