

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Tim Schmitz v. Evan Garrison and Brian Willard

Schmitz · No. 3:24-cv-01603-AB · Decided November 24, 2025

SUMMARY

The United States District Court for the District of Oregon grants Defendant Brian Willard’s motion for summary judgment in a 42 U.S.C. § 1983 excessive-force action arising from a traffic stop. The court holds that Willard is entitled to qualified immunity because existing law did not clearly establish that the force used under the specific circumstances violated the Fourth Amendment. The court also dismisses Defendant Evan Garrison pursuant to the plaintiff’s voluntary dismissal.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Amy M. Baggio
JURISDICTION	United States District Court for the District of Oregon
DECIDED	November 24, 2025
DOCKET	3:24-cv-01603-AB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 Fourth Amendment excessive-force claim against Oregon City police officers. Defendant Brian Willard moved for summary judgment based on reasonableness of force and qualified immunity. At oral argument, Plaintiff voluntarily withdrew the claim against Defendant Evan Garrison.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. The court views facts and draws reasonable inferences in the light most favorable to the nonmoving party. Qualified immunity's clearly-established-law inquiry is a question of law for the judge.
PRECEDENTIAL VALUE	unknown
PARTIES	Tim Schmitz v. Evan Garrison, Brian Willard

TOPICS

qualified immunity

summary judgment

section 1983

police misconduct

civil rights

PRACTICE AREAS

civil rights

constitutional law

federal civil procedure

police misconduct

QUESTIONS PRESENTED

1. Whether Defendant Willard was entitled to summary judgment on Plaintiff's § 1983 excessive-force claim because the force used during the traffic stop did not violate clearly established Fourth Amendment law.
2. Whether Defendant Willard was entitled to qualified immunity despite the parties' factual dispute about whether he punched or pushed Plaintiff and whether Plaintiff resisted handcuffing.
3. Whether Defendant Garrison should be dismissed after Plaintiff voluntarily withdrew the claim against him.

HOLDINGS

1. Defendant Willard was entitled to qualified immunity because Plaintiff failed to identify clearly established law showing that Willard's alleged punch and the subsequent takedown for handcuffing violated the Fourth Amendment under the specific circumstances presented.
2. Summary judgment was proper for Defendant Willard because, notwithstanding factual disputes about the force used, Plaintiff did not establish a triable claim that overcame qualified immunity.
3. Defendant Evan Garrison was dismissed from the case pursuant to Plaintiff's voluntary withdrawal of the claim against him at oral argument.

KEY QUOTATIONS

“Qualified immunity protects government officials from liability under § 1983 ‘unless (1) they violated a federal statutory or constitutional right, and (2) the unlawfulness of their conduct was clearly established at the time.’”

“The dispositive question is ‘whether the violative nature of particular conduct is clearly established[.]’”

FACTUAL BACKGROUND

On October 27, 2022, Oregon City officers Evan Garrison and Brian Willard stopped Tim Schmitz for allegedly failing to maintain his lane. Schmitz exited his vehicle, refused instructions to return to it, argued with Willard, threatened to take Willard down, and advanced to within arm's reach; Willard then made contact with Schmitz's chest, which Schmitz characterized as a hard closed-fist punch and Willard characterized as an open-hand push. After Garrison returned, the officers struggled with Schmitz while attempting to handcuff him, took him to the ground, and used two handcuffs after Schmitz reported shoulder problems.

PROCEDURAL HISTORY

The case arose from a 2022 traffic stop. Willard moved for summary judgment, and the court heard oral argument on November 12, 2025. The court granted Willard's motion based on qualified immunity and dismissed Garrison pursuant to Plaintiff's voluntary withdrawal of the claim against him.

DISPOSITION

dismissed

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 323–24 (1986)
- Fed. Trade Comm'n v. Stefanchik, 559 F.3d 924, 927–28 (9th Cir. 2009)
- Bias v. Moynihan, 508 F.3d 1212, 1218 (9th Cir. 2007)
- Suever v. Connell, 579 F.3d 1047, 1056 (9th Cir. 2009)
- Earl v. Nielsen Media Rsch., Inc., 658 F.3d 1108, 1112 (9th Cir. 2011)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Cuevas v. City of Tulare, 107 F.4th 894, 898 (9th Cir. 2024)
- Waid v. Cnty. of Lyon, 87 F.4th 383, 387 (9th Cir. 2023)
- Tortu v. Las Vegas Metro. Police Dep't, 556 F.3d 1075, 1085 (9th Cir. 2009)
- Morales v. Fry, 873 F.3d 817, 821 (9th Cir. 2017)
- Ioane v. Hodges, 939 F.3d 945, 950 (9th Cir. 2018)
- Saucier v. Katz, 533 U.S. 194, 201 (2001)
- Pearson v. Callahan, 555 U.S. 223, 242 (2009)
- Mullenix v. Luna, 577 U.S. 7, 11–12 (2015)
- Reichle v. Howards, 566 U.S. 658, 664 (2012)
- Ashcroft v. al-Kidd, 563 U.S. 731, 742 (2011)
- Plumhoff v. Rickard, 572 U.S. 765, 779 (2014)
- O'Doan v. Sanford, 991 F.3d 1027, 1037 (9th Cir. 2021)
- Hughes v. Rodriguez, 31 F.4th 1211, 1223 (9th Cir. 2022)
- Sharp v. Cnty. of Orange, 871 F.3d 901, 911 (9th Cir. 2017)
- City of Escondido, Cal. v. Emmons, 586 U.S. 38, 43 (2019)
- Gravelet-Blondin v. Shelton, 728 F.3d 1086, 1090, 1093 (9th Cir. 2013)
- Mendoza v. Block, 27 F.3d 1357, 1358, 1362 (9th Cir. 1994)
- Blankenhorn v. City of Orange, 485 F.3d 463, 479–81 (9th Cir. 2007)
- Davis v. City of Las Vegas, 478 F.3d 1048, 1057 (9th Cir. 2007)
- Orr v. Brame, 727 F. App'x 265, 267–68 (9th Cir. 2018)
- Young v. Cnty. of Los Angeles, 655 F.3d 1156, 1166–67 (9th Cir. 2011)
- Santos v. Gates, 287 F.3d 846, 854 (9th Cir. 2002)

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