

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Edward Howard Brittain v. PTL. William Lance, et al.

Civil Action No. 22-4290 (GC) (TJB) (D.N.J. Feb. 11, 2026) · No. Civil Action No. 22-4290 (GC) (TJB); 3:22-cv-04290 · Decided February 11, 2026

SUMMARY

The United States District Court for the District of New Jersey denied Defendants’ unopposed motion for summary judgment in Edward Howard Brittain’s 42 U.S.C. § 1983 excessive-force action. Although the complaint was filed more than two years after the alleged January 7, 2020 arrest, the court found a factual dispute concerning whether Plaintiff had timely asserted his rights through an allegedly defective submission to the court. The court therefore concluded that equitable tolling might apply and that summary judgment was not warranted at that stage.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Fredette Castner
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 11, 2026
DOCKET	Civil Action No. 22-4290 (GC) (TJB); 3:22-cv-04290
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on a pro se plaintiff’s 42 U.S.C. § 1983 excessive-force claim. The motion was treated as unopposed after the plaintiff failed to file an opposition or request an extension, but the court independently evaluated whether Rule 56 was satisfied.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. Even when a motion is unopposed, the court must independently determine whether Rule 56 is satisfied. Inferences, doubts, and credibility issues are resolved against the moving party.
PRECEDENTIAL VALUE	unpublished, not for publication

TOPICS

- section 1983
- police misconduct
- summary judgment
- statute of limitations
- civil procedure

PRACTICE AREAS

civil rights

civil procedure

statute of limitations

summary judgment

police misconduct

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on Brittain's § 1983 excessive-force claim because it was filed outside New Jersey's two-year personal-injury statute of limitations.
2. Whether a factual dispute concerning Brittain's January 7, 2022 submission precluded summary judgment by potentially establishing equitable tolling based on a timely but defective pleading.

HOLDINGS

1. A court may treat an unopposed summary-judgment motion as unopposed, but the lack of opposition alone is not sufficient to grant summary judgment; the court must still determine whether there is no genuine dispute of material fact and whether the movant is entitled to judgment as a matter of law.
2. A § 1983 claim arising from an alleged excessive-force incident in New Jersey is subject to New Jersey's two-year statute of limitations for personal-injury torts, while federal law governs when the claim accrues.
3. Summary judgment was not warranted because the record presented a genuine factual dispute as to whether Brittain timely asserted his rights through a defective pleading on January 7, 2022, which could make equitable tolling appropriate.

KEY QUOTATIONS

"Nevertheless, Rule 56(e)(3) "still requires the Court to satisfy itself that summary judgment is proper because there are no genuine disputes of material fact and the movant is entitled to judgment as a matter of law."" (Legal Standard)

"Drawing all inferences in Plaintiff's favor, as the Court must, the Court finds there is a factual dispute surrounding this January 7, 2022 submission." (Discussion)

"Therefore, the Court is unable to award summary judgment at this time because the factual circumstances, once clarified, may reveal that equitable tolling is appropriate." (Discussion)

FACTUAL BACKGROUND

On January 7, 2020, Patrolman William Lance and other officers arrested Brittain pursuant to a burglary warrant in Phillipsburg, New Jersey. Lance reported that Brittain resisted being handcuffed and reached toward his waistband, prompting Lance to strike the rear of Brittain's head; Brittain instead alleged that Lance kned him and beat him in the head, breaking his glasses. Brittain filed his federal complaint on June 27, 2022, and the record included a January 7, 2022 letter from the district court clerk concerning a possible earlier submission by Brittain.

PROCEDURAL HISTORY

Brittain filed the action on June 27, 2022, alleging excessive force during his January 7, 2020 arrest. Defendants moved for summary judgment, arguing that the claim was barred by the statute of limitations. After service issues and an unsuccessful request for appointed counsel, the court reinstated the motion and gave Brittain a deadline to respond; he did not respond. The court denied summary judgment because the record raised a factual dispute concerning whether Brittain had timely asserted his rights in a defective filing on January 7, 2022, potentially warranting equitable tolling.

DISPOSITION

other

CASES CITED

- Weaver v. Wilcox, 650 F.2d 22, 26 (3d Cir. 1981)
- Fata v. Sheehan, Civ. No. 24-11030, 2025 WL 3771179, at *2 (D.N.J. Dec. 31, 2025)
- Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993)
- Anderson v. Harron, Civ. No. 08-0185, 2009 WL 2058863, at *1 n.1 (D.N.J. July 7, 2009)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 251-52 (1986)
- Meyer v. Riegel Prods. Corp., 720 F.2d 303, 307 n.2 (3d Cir. 1983)
- Ruth v. Selective Ins. Co. of Am., Civ. No. 15-2616, 2017 WL 592146, at *2 (D.N.J. Feb. 14, 2017)
- Anchorage Assocs. v. Virgin Islands Bd. of Tax Rev., 922 F.2d 168, 175 (3d Cir. 1990)
- Nguyen v. Pennsylvania, 906 F.3d 271, 273 (3d Cir. 2018)
- Wallace v. Kato, 549 U.S. 384, 387 (2007)
- Kach v. Hose, 589 F.3d 626, 634, 639 (3d Cir. 2009)
- Hernandez v. Montoya, 636 F. Supp. 3d 511, 517 (D.N.J. 2022)
- Dique v. N.J. State Police, 603 F.3d 181, 185 (3d Cir. 2010)
- Robinson v. Twp. of Irvington Police Dep't, Civ. No. 17-13206, 2018 WL 3435072, at *2 (D.N.J. July 17, 2018)
- Fahey v. Hollywood Bicycle Ctr., Inc., Civ. No. 08-3573, 2009 WL 749856, at *4 (D.N.J. Mar. 18, 2009)
- Freeman v. State, 788 A.2d 867, 879-80 (N.J. Super. Ct. App. Div. 2002)
- U.S. v. Midgley, 142 F.3d 174, 179 (3d Cir. 1998)