

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Eduardo Lee Hoover, Sr. v. Tyler Evans, et al.

Hoover · No. 2:25-CV-00440-CCW · Decided May 5, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania addresses motions to dismiss claims arising from the fatal police shooting of Eduardo Lee Hoover, Jr. The court allows the individual-capacity Fourth Amendment excessive-force claims against Officers Evans and Pasquale to proceed, dismisses the Monell claims, and dismisses the Fourteenth Amendment state-created-danger claim as foreclosed by the more-specific-provision rule.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Christy Criswell Wiegand
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	May 5, 2026
DOCKET	2:25-CV-00440-CCW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought civil-rights and state-law claims arising from the fatal police shooting of Eduardo Lee Hoover, Jr. Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and views them in the light most favorable to the plaintiff. The court disregards conclusory allegations and determines whether the remaining factual allegations plausibly establish an entitlement to relief.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Eduardo Lee Hoover, Sr. v. Tyler Evans, Matthew Tharp, George Rice, Gray Farner, Shane Maga, Michael Pasquale, Bernie Larue, Robert Cassidy, Timothy Green, Marie Ferguson

TOPICS

motions to dismiss

police misconduct

section 1983

municipal liability

due process

PRACTICE AREAS

civil rights litigation

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police use of force

federal civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that Officers Evans and Pasquale used objectively unreasonable deadly force in violation of the Fourth Amendment.
2. Whether Officer Pasquale was entitled to qualified immunity at the motion-to-dismiss stage.
3. Whether the amended complaint adequately pleaded Monell liability based on an unconstitutional municipal policy, custom, or failure to train.
4. Whether the Fourteenth Amendment state-created-danger claim was barred by the more-specific-provision rule because the same conduct was governed by the Fourth Amendment.

HOLDINGS

1. The amended complaint plausibly alleged that Officers Evans and Pasquale used objectively unreasonable force, so the individual-capacity Fourth Amendment claims could proceed beyond the pleading stage.
2. The court declined to grant qualified immunity at the motion-to-dismiss stage because the factual record was insufficiently developed to determine whether the officers violated a constitutional right or whether the right was clearly established.
3. The amended complaint failed to state Monell claims because it did not identify with sufficient factual specificity an unconstitutional policy or custom, a policymaker's deliberate indifference or knowledge and acquiescence, or causation. The failure-to-train theory also failed because no pattern of similar constitutional violations was adequately alleged.
4. The state-created-danger claim was barred because the same conduct was governed by the Fourth Amendment's more-specific protection against unreasonable deadly force.

KEY QUOTATIONS

“The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.”

“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

“The Amended Complaint asserts that Mr. Hoover, Jr. led officers in a seventeen-minute chase with a BAC of .279 and speeds reaching 80 miles per hour.”

“Because these allegations fit squarely within the Fourth Amendment’s prohibition on a police officer’s unreasonable use of deadly force, the Court concludes that the more specific provision rule forecloses Mr. Hoover, Sr.’s substantive due process claim.”

FACTUAL BACKGROUND

On April 2, 2023, Eduardo Lee Hoover, Jr. led police on an approximately seventeen-minute vehicle pursuit while traveling at speeds up to 80 miles per hour and with a blood alcohol content of .279. At the end of the pursuit, officers boxed in his vehicle; after Officer Pasquale fired shots intended to disable the vehicle, Hoover maneuvered forward and backward while attempting to escape. Officer Evans and Officer Pasquale then fired additional shots, striking and killing Hoover, who plaintiff alleged was unarmed and had made no threats of violence.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint asserting Fourth Amendment excessive-force and unlawful-deadly-force claims, a Fourteenth Amendment state-created-danger claim, Monell claims, and state-law survival and wrongful-death claims. The Mount Pleasant Defendants moved for partial dismissal, and the Smith Defendants moved to dismiss. The court granted the Mount Pleasant motion, granted the Smith motion in part, denied it in part as to the individual Fourth Amendment force claims, dismissed the Monell claims, and dismissed the state-created-danger claim with prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Claims against the Boards of Supervisors were dismissed without prejudice with leave to amend to clarify the proper municipal defendant, namely the applicable Township.

CASES CITED

- Phillips v. County of Allegheny, 515 F.3d 224, 228 (3d Cir. 2008)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Burtch v. Milberg Factors, Inc., 662 F.3d 212, 221 (3d Cir. 2011)
- Santiago v. Warminster Township, 629 F.3d 121, 130 (3d Cir. 2010)
- Connolly v. Lane Construction Corp., 809 F.3d 780, 788-89 (3d Cir. 2016)
- Rodriguez v. Trenton Police Department, 828 F. App'x 851, 852 (3d Cir. 2020)
- Brower v. Inyo County, 489 U.S. 593, 599 (1989)
- Graham v. Connor, 490 U.S. 386, 395-96 (1989)
- County of Los Angeles v. Mendez, 581 U.S. 420, 428 (2017)
- Saucier v. Katz, 533 U.S. 194, 202, 207 (2001)
- Tennessee v. Garner, 471 U.S. 1, 7 (1985)
- Santini v. Fuentes, 795 F.3d 410, 417 (3d Cir. 2015)
- Sharrar v. Felsing, 128 F.3d 810, 822 (3d Cir. 1997)

- *Jefferson v. Lias*, 21 F.4th 74, 78-80 (3d Cir. 2021)
- *Abraham v. Raso*, 183 F.3d 279, 290 (3d Cir. 1999)
- *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)
- *Thomas v. City of Harrisburg*, 88 F.4th 275, 281, 284 (3d Cir. 2023)
- *Lozano v. New Jersey*, 9 F.4th 239, 245 (3d Cir. 2021)
- *Deivert v. Zartman*, 2025 WL 83747, at *4 (M.D. Pa. Jan. 13, 2025)
- *Mitros v. Cooke*, 170 F. Supp. 2d 504, 507 (E.D. Pa. 2001)
- *Reedy v. Evanson*, 615 F.3d 197, 223 (3d Cir. 2010)
- *Curley v. Klem*, 298 F.3d 271, 278 (3d Cir. 2002)
- *Vanderhoff v. City of Nanticoke*, 2018 WL 4565673, at *9 (M.D. Pa. Sept. 24, 2018)
- *Newland v. Reehorst*, 328 F. App'x 788, 791 n.3 (3d Cir. 2009)
- *Janwoski v. City of North Wildwood*, 259 F. Supp. 3d 113, 122-25 (D.N.J. 2017)
- *A.M. ex rel. J.M.K. v. Luzerne County Juvenile Detention Center*, 372 F.3d 572, 580 (3d Cir. 2004)
- *Bhatnagar v. Meyer*, 2023 WL 5378834, at *3 (3d Cir. Aug. 22, 2023)
- *Monell v. Department of Social Services of New York City*, 436 U.S. 658, 694 (1978)
- *Long v. City of Philadelphia*, 2016 WL 192605, at *3 (E.D. Pa. Jan. 15, 2016)
- *Glass v. City of Philadelphia*, 455 F. Supp. 2d 302, 342 (E.D. Pa. 2006)
- *Rajab v. Westmoreland County*, 2023 WL 11968042, at *4 (W.D. Pa. Jan. 23, 2023)
- *McTernan v. City of York*, 564 F.3d 636, 658 (3d Cir. 2009)
- *Connick v. Thompson*, 563 U.S. 51, 62-63 (2011)
- *Baker v. City of Pittsburgh*, 2025 WL 33637, at *10 (W.D. Pa. Jan. 6, 2025)
- *Hughston v. McGee*, 2023 WL 4141040, at *2 (E.D. Pa. June 22, 2023)
- *Whittaker v. County of Lawrence*, 437 F. App'x 105, 109 (3d Cir. 2011)
- *Talley v. Clark*, 111 F.4th 255, 261 (3d Cir. 2024)
- *DeLade v. Cargan*, 972 F.3d 207, 210 (3d Cir. 2020)
- *United States v. Lanier*, 520 U.S. 259, 272 n.7 (1997)
- *Betts v. New Castle Youth Development Center*, 621 F.3d 249, 261 & n.10 (3d Cir. 2010)
- *Estate of Paone v. Township of Plymouth*, 2026 WL 661978, at *2 (3d Cir. Mar. 9, 2026)
- *Barnes v. Felix*, 605 U.S. 73, 76 (2025)
- *O'Donnell v. Scranton School District*, 2024 WL 1197517, at *19 (M.D. Pa. Mar. 20, 2024)

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