

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Anthony Scott Coleman v. Chris Kendall, et al.

Coleman v. Kendall · No. 2:24-cv-00654 · Decided June 4, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia denied defendants’ motions for summary judgment in an excessive-force action arising from a traffic stop and police K-9 deployment. The court found genuine disputes of material fact concerning the plaintiff’s resistance, the force used by the officers, qualified immunity, intentional infliction of emotional distress, and the City of Dunbar’s potential Monell liability. The court held that these disputes must be resolved by a jury.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	June 4, 2026
DOCKET	2:24-cv-00654
DISPOSITION	other
PROCEDURAL POSTURE	Defendants City of Dunbar and Officers Kendall, Oxley, and Shafer moved for summary judgment in Plaintiff's action involving alleged excessive force, qualified immunity, intentional infliction of emotional distress, punitive damages, and municipal liability under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Summary judgment is appropriate only when, viewing the facts and reasonable inferences in the light most favorable to the nonmoving party, there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The court may treat video evidence as undisputed when it utterly discredits a party's version of events so that no reasonable jury could believe it.
PRECEDENTIAL VALUE	District court memorandum opinion and order; precedential status is not established in the text.
PARTIES	Anthony Scott Coleman v. Chris Kendall, City of Dunbar, Officer Oxley, Officer Shafer

TOPICS

summary judgment

qualified immunity

section 1983

police misconduct

municipal liability

PRACTICE AREAS

civil rights

constitutional law

civil procedure

municipal liability

torts

QUESTIONS PRESENTED

1. Whether genuine disputes of material fact concerning Plaintiff's resistance and the force used precluded summary judgment on the excessive-force and qualified-immunity claims.
2. Whether the alleged conduct could satisfy the elements of intentional infliction of emotional distress under West Virginia law.
3. Whether the evidence created a genuine dispute concerning the City of Dunbar's liability under Monell based on failure to train and persistent practice theories.
4. Whether statutory immunity and limits on punitive or noneconomic damages required judgment for Defendants or limitation of Plaintiff's recovery at the summary-judgment stage.

HOLDINGS

1. Summary judgment was improper because genuine disputes of material fact existed regarding Plaintiff's level of resistance, the threat he posed, and the nature, necessity, and proportionality of the force used.
2. The Officer Defendants were not entitled to qualified immunity at the summary-judgment stage because the constitutional-violation question depended on disputed facts, and the right of a non-threatening, unarmed, passively resisting suspect to be free from unnecessary, gratuitous, and disproportionate force, including police-dog deployment, was clearly established.
3. Summary judgment was improper on Plaintiff's intentional-infliction-of-emotional-distress claim because, viewing Plaintiff's evidence favorably, a reasonable jury could find the officers' conduct extreme and outrageous and could determine whether the remaining elements were satisfied.
4. Plaintiff presented sufficient evidence to create genuine disputes for trial on municipal liability based on failure to train and persistent practice theories.

KEY QUOTATIONS

“The briefing on these motions, and the parties’ characterization of events clearly demonstrate genuine disputes of material fact which a jury should resolve.” (Discussion § III.A)

“Therefore, the Defendants’ Motions for Summary Judgment, [ECF Nos. 77, 79], are DENIED.” (Conclusion § IV)

FACTUAL BACKGROUND

Plaintiff was stopped after Officer Oxley observed him driving while drinking from a suspected liquor bottle. Plaintiff initially provided his driving information and was generally compliant but refused to exit the vehicle.

Officers summoned backup and a police canine; after a struggle over opening the vehicle door, officers cut Plaintiff's seat belt and used the canine to pull him from the vehicle. The parties disputed whether Plaintiff was aggressively resisting or merely passively resisting and whether Officer Kendall repeatedly struck Plaintiff while the canine remained engaged. Body-camera and cell-phone videos corroborated the general sequence but did not resolve the disputed nature and extent of the force or resistance.

PROCEDURAL HISTORY

Plaintiff brought claims arising from a traffic stop and subsequent extraction from his vehicle, including alleged deployment of a police canine and physical strikes. Defendants moved for summary judgment. The district court found genuine disputes of material fact concerning the nature and extent of Plaintiff's resistance and the force used, and denied the motions.

DISPOSITION

other

CASES CITED

- *Ausherman v. Bank of Am. Corp.*, 352 F.3d 896, 899 (4th Cir. 2003)
- *The News & Observer Publ. Co. v. Raleigh–Durham Airport Auth.*, 597 F.3d 570, 576 (4th Cir. 2010)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986)
- *Anderson v. Liberty Lobby*, 477 U.S. 242, 252, 255–56 (1986)
- *Felty v. Graves-Humphreys Co.*, 818 F.2d 1126, 1128 (4th Cir. 1987)
- *Scott v. Harris*, 530 U.S. 372, 380–81 (2007)
- *Cooper v. Sheehan*, 735 F.3d 153, 158 (4th Cir. 2013)
- *Aleman v. City of Charlotte*, 80 F.4th 264, 284 (4th Cir. 2023)
- *Pearson v. Callahan*, 555 U.S. 223, 231–32, 236 (2009)
- *Willingham v. Crooke*, 412 F.3d 553, 558 (4th Cir. 2005)
- *Mays v. Sprinkle*, 992 F.3d 295, 301 (4th Cir. 2021)
- *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011)
- *Harrold v. Hagen*, 174 F.4th 393, 401–02 (4th Cir. 2026)
- *Graham v. Connor*, 490 U.S. 386, 396 (1989)
- *Bell v. Wolfish*, 441 U.S. 520, 559 (1979)
- *Meyers v. Baltimore County, Md.*, 713 F.3d 723, 734 (4th Cir. 2013)
- *Bailey v. Kennedy*, 349 F.3d 731, 744–45 (4th Cir. 2003)
- *Travis v. Alcon Lab'ys, Inc.*, 202 W. Va. 369, 371, 504 S.E.2d 419, 421 (1998)
- *Monell v. Department of Social Services of New York*, 436 U.S. 658 (1978)
- *Brale v. Thompson*, 2023 WL 2351881, at *5 (S.D. W. Va. Mar. 3, 2023)
- *Wickline v. Cumberledge*, 2024 WL 3416282 (S.D. W. Va. July 15, 2024)
- *Franklin v. City of Charlotte*, 64 F.4th 519, 530, 536 (4th Cir. 2023)

- Lytle v. Doyle, 326 F.3d 463, 471, 473 (4th Cir. 2003)
- Wellington v. Daniels, 717 F.2d 932, 936 (4th Cir. 1983)
- City of Canton, Ohio v. Harris, 489 U.S. 378, 388–89 (1989)
- Barnes v. Montgomery Cnty., 2023 WL 8454633, at *3 (D. Md. Dec. 6, 2023)
- Carter v. Morris, 164 F.3d 215, 218 (4th Cir. 1999)
- Spell v. McDaniel, 824 F.2d 1380, 1387, 1390–91, 1400 (4th Cir. 1987)
- Connick v. Thompson, 563 U.S. 51, 62 (2011)
- Board of County Commissioners of Bryan County, Oklahoma v. Brown, 520 U.S. 397, 409 (1997)
- Howard v. City of Durham, 68 F.4th 934, 953 (4th Cir. 2023)
- Owens v. Baltimore City State's Attorneys Office, 767 F.3d 379, 403 (4th Cir. 2014)
- Monongalia County Commission, 251 W. Va. 442, 914 S.E.2d 677, 681 (2024)
- Nelson v. Fisher, 2026 WL 852130, at *5 (S.D. W. Va. Mar. 27, 2026)