

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA, ATLANTA DIVISION

Benjamin Hendren v. John Patton, et al.

Hendren · No. 1:24-CV-2921-TWT · Decided June 9, 2026

SUMMARY

The United States District Court for the Northern District of Georgia considers the Brasfield Defendants’ motion to dismiss claims arising from the detention of a photojournalist documenting a protest near the GSU Convocation Center construction site. The court grants the motion to dismiss, addressing whether the private construction-company defendants acted under color of state law and whether the pleadings adequately alleged conspiracy, false imprisonment, negligence, and related claims.

CASE DETAILS

COURT	United States District Court for the Northern District of Georgia, Atlanta Division
WRITING FOR THE COURT	Thomas W. Thrash, Jr.
JURISDICTION	United States District Court for the Northern District of Georgia, Atlanta Division
DECIDED	June 9, 2026
DOCKET	1:24-CV-2921-TWT
DISPOSITION	other
PROCEDURAL POSTURE	The court considered the Brasfield Defendants' Rule 12(b)(6) motion to dismiss the Second Amended Complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the plaintiff's favor, but the complaint must state a plausible claim for relief. The court need not accept legal conclusions or internally inconsistent factual allegations. Dismissal with prejudice is proper when a more carefully drafted complaint would not state a claim for relief.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Benjamin Hendren v. Brasfield & Gorrie, LLC, Brasfield & Gorrie, LP, Jackson Bussey, Moses Paige

TOPICS

section 1983 motions to dismiss civil procedure state action civil rights

PRACTICE AREAS

civil rights constitutional law civil procedure torts

QUESTIONS PRESENTED

1. Whether the Brasfield Defendants were state actors for purposes of Hendren's 42 U.S.C. § 1983 claims under the state-compulsion or nexus/joint-action tests.
2. Whether the allegations plausibly showed a conspiracy or agreement between the Brasfield Defendants and GSUPD officers to violate Hendren's constitutional rights.
3. Whether the Brasfield Defendants could be liable under Georgia law for false imprisonment when the officers had independently decided to detain Hendren before obtaining the Brasfield Defendants' identification statements.
4. Whether Hendren adequately pleaded duty, breach, and causation for a negligence claim based on the Brasfield Defendants' alleged reporting and identification conduct.
5. Whether derivative claims for attorney's fees and punitive damages could survive after dismissal of all substantive claims.

HOLDINGS

1. The Brasfield Defendants were not sufficiently alleged to be state actors under the state-compulsion test because the complaint alleged that GSUPD officers encouraged them to provide identification information, not that the officers compelled or significantly encouraged them to carry out the detention or arrest that constituted the alleged constitutional violations.
2. The complaint did not plausibly allege that the Brasfield Defendants were state actors under the nexus/joint-action test.
3. The false-imprisonment claim failed because the allegations showed that GSUPD officers independently decided to detain Hendren before the Brasfield Defendants provided their identification statements.
4. The negligence claim failed because Hendren did not adequately plead a legally cognizable duty or breach, and the causation deficiency identified for false imprisonment also defeated the negligence claim.
5. The claims for attorney's fees and punitive damages were dismissed because they were derivative of the substantive claims, all of which were dismissed against the Brasfield Defendants.
6. Dismissal of the claims against the Brasfield Defendants was with prejudice because Hendren had already amended his complaint and the court concluded that another amendment would not cure the defects.

KEY QUOTATIONS

“Only in rare circumstances can a private party be viewed as a ‘state actor’ for section 1983 purposes.”
(Section III.A)

“The linchpin for conspiracy is agreement, which presupposes communication.” (Section III.A.2)

“Merely making a report of perceived misconduct and furnishing information to the police does not transform a private party into a state actor.” (Section III.A.2)

“With no requisite communication or any direct action that relates directly to the constitutional violation, the Court concludes that the Brasfield Defendants’ assistance amounts to “brief, assistance” by a private party that does not amount to state action.” (Section III.A.2)

“The statements made by Defendants Bussey and Paige did not move the needle at all.” (Section III.B)

FACTUAL BACKGROUND

Hendren was a credentialed freelance photojournalist documenting police activity related to a protest near a Brasfield & Gorrie construction site. Although he allegedly did not enter the site or participate in the protest, Georgia State University Police Department officers handcuffed and detained him, obtained identification statements from Brasfield & Gorrie employees Bussey and Paige, and held him for approximately seven hours without charging him. Hendren alleged that the officers prompted Bussey and Paige to identify him falsely and asserted federal and state claims against the Brasfield Defendants based on that conduct.

PROCEDURAL HISTORY

Hendren sued the defendants under 42 U.S.C. § 1983 and Georgia law based on his detention while photographing a protest-related police operation. The court previously dismissed the claims against the Brasfield Defendants from the Amended Complaint and allowed Hendren to file a Second Amended Complaint. The court granted the Brasfield Defendants' renewed motion to dismiss, dismissed all claims against them with prejudice, directed entry of judgment, and ordered the case closed.

DISPOSITION

other

CASES CITED

- 556 U.S. 662, 678 (2009)
- 550 U.S. 544, 554-56 (2007)
- 711 F.2d 989, 994-95 (11th Cir. 1983)
- 949 F.2d 1127, 1130 (11th Cir. 1992)
- 344 F.3d 1263, 1277-78 (11th Cir. 2003)
- 18 F.4th 686, 696-97 (11th Cir. 2021)
- 279 F.3d 1271, 1283-84 (11th Cir. 2002)
- 662 F. App'x 873, 880-81 (11th Cir. 2016)

- 560 F. App'x 818, 821 (11th Cir. 2014)
- 340 Ga. App. 51, 55-56 (2016)
- 295 Ga. App. 326, 330 (2008)
- 342 Ga. App. 208, 211 (2017)
- 249 Ga. App. 699, 705 (2001)
- 257 Ga. App. 720, 722 (2002)
- 569 F. App'x 669, 686

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