

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

Christen Johnson v. Myron Jackson, et al.

Johnson v. Jackson · No. 3:25-cv-00033-GFVT · Decided February 26, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denied Sgt. Jason Briscoe’s Rule 12(b)(6) motion to dismiss claims under 42 U.S.C. § 1983. The court held that the complaint plausibly alleged supervisory liability and failure to intervene based on Briscoe’s review of body-camera footage and alleged failure to stop an ongoing unlawful arrest and seizure.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	February 26, 2026
DOCKET	3:25-cv-00033-GFVT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging Fourth and First Amendment violations and asserted supervisory-liability and failure-to-intervene claims against Sergeant Jason Briscoe. Briscoe moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff’s favor, and determines whether the complaint states a plausible claim for relief. The court need not accept legal conclusions or unwarranted factual inferences.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; persuasive rather than precedential.
PARTIES	Christen Johnson v. Myron Jackson, Jason Briscoe, et al.

TOPICS

motions to dismiss

section 1983

fourth amendment

first amendment

civil procedure

PRACTICE AREAS

Civil rights

Constitutional law

Federal civil procedure

Section 1983 litigation

QUESTIONS PRESENTED

1. Whether Johnson plausibly pleaded an individual-capacity supervisory-liability claim against Briscoe under 42 U.S.C. § 1983 based on Briscoe's review of evidence of an allegedly unconstitutional arrest and failure to take corrective action.
2. Whether Johnson plausibly pleaded a § 1983 failure-to-intervene claim by alleging that Briscoe knew an unconstitutional seizure was ongoing and had an opportunity and means to prevent its continuation.
3. Whether Briscoe's indirect reference to qualified immunity provided a basis for dismissal under Rule 12(b)(6).

HOLDINGS

1. A plaintiff plausibly states a supervisory-liability claim by alleging that the supervisor had actual knowledge of an ongoing subordinate's constitutional violation, knowingly acquiesced in it by failing to take corrective action, and caused the plaintiff's continued constitutional injury; respondeat superior and a mere failure to act, without more, are insufficient.
2. At the pleading stage, allegations that a supervisor's knowing failure to intervene in an ongoing unlawful seizure could reasonably be expected to cause the plaintiff's continued unconstitutional detention are sufficient to plead causation.
3. A plaintiff plausibly states a failure-to-intervene claim by alleging that the officer observed or had reason to know that constitutional harm was occurring and had both the opportunity and means to prevent it.
4. A court generally should not grant a Rule 12(b)(6) motion on qualified-immunity grounds when the defense has not been adequately raised and the factual record is undeveloped.

KEY QUOTATIONS

“At bottom, Plaintiff Johnson’s complaint demonstrates that Sgt. Briscoe knowingly acquiesced in the actions undertaken by Trooper Jackson, which Plaintiff likewise alleges were violative of the First and Fourth Amendments. This is sufficient to survive a 12(b)(6) motion to dismiss.” (Section II.A)

“Unlike the officers in Burley and Jacobs, the Complaint alleges that Sgt. Briscoe was notified of Trooper Jackson’s unconstitutional seizure of Ms. Johnson as it was ongoing, and in the face of evidence of its unconstitutional character, refused to intervene.” (Section II.B)

FACTUAL BACKGROUND

Johnson alleged that Trooper Jackson arrested her after ordering her to stop recording a traffic stop from a safe distance on her property and threatening to take her to jail if she did not go inside. While Jackson transported

Johnson to jail, her mother contacted Sergeant Briscoe, Jackson's supervisor; Briscoe reviewed body-camera footage and nevertheless stated that he would not interfere with the arrest. Johnson was released the next day, and the Franklin District Court later determined that there was no probable cause for the arrest and dismissed the charges.

PROCEDURAL HISTORY

Johnson alleged that Trooper Myron Jackson arrested her without probable cause after she recorded a traffic stop from her driveway and that Briscoe, Jackson's supervisor, reviewed body-camera footage while Johnson was being transported to jail but declined to intervene. A Kentucky district court later found no probable cause and dismissed the charges. Johnson filed this federal action on June 25, 2025. The court denied Briscoe's motion to dismiss.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- DirecTV, Inc. v. Treesh, 487 F.3d 471, 476 (6th Cir. 2007)
- Gregory v. Shelby County, 220 F.3d 433, 446 (6th Cir. 2000)
- Bangura v. Hansen, 434 F.3d 487, 498 (6th Cir. 2006)
- Sigley v. City of Parma Heights, 437 F.3d 527, 533 (6th Cir. 2006)
- Peatross v. City of Memphis, 818 F.3d 233, 240-44 (6th Cir. 2016)
- Venema v. West, 133 F.4th 625, 632-36 (6th Cir. 2025)
- Shehee v. Luttrell, 199 F.3d 295, 300 (6th Cir. 1999)
- Salehpour v. University of Tennessee, 159 F.3d 199, 201 (6th Cir. 1998)
- Garza v. Lansing School District, 972 F.3d 853, 866 (6th Cir. 2020)
- Campbell v. City of Springboro, 700 F.3d 779, 790 (6th Cir. 2012)
- Powers v. Hamilton County Public Defender Commission, 501 F.3d 592, 609 (6th Cir. 2007)
- Trollinger v. Tyson Foods, Inc., 370 F.3d 602, 615 (6th Cir. 2004)
- Does v. Whitmer, 69 F.4th 300, 302, 307-08 (6th Cir. 2023)
- Hoskins v. Knox County, 2018 U.S. Dist. LEXIS 42694, at *47 (E.D. Ky. Mar. 15, 2018)
- Sheffey v. City of Covington, 564 F. App'x 783, 793 (6th Cir. 2014)
- Turner v. Scott, 119 F.3d 425, 429 (6th Cir. 1997)
- Thomas v. Mayo, 2024 U.S. Dist. LEXIS 5132, at *17 (W.D. Ky. Jan. 10, 2024)
- Johnson v. Village of Ottawa Hills, 5 F. App'x 390, 395-96 (6th Cir. 2001)
- Wells v. City of Dearborn Heights, 538 F. App'x 631, 640 (6th Cir. 2013)
- Ontha v. Rutherford County, 222 F. App'x 498, 507 (6th Cir. 2007)

- Smith v. Heath, 691 F.2d 220, 224-25 (6th Cir. 1982)
- Burley v. Gagacki, 729 F.3d 610, 614-15, 619-20 (6th Cir. 2013)
- Hart v. Hillsdale County, 973 F.3d 627, 635 (6th Cir. 2020)

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