

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Anthony Marsh II v. District of Columbia, et al.

Marsh · No. 24-683 (RDM) · Decided March 26, 2026

SUMMARY

The United States District Court for the District of Columbia considers Defendants’ partial motion to dismiss Anthony Marsh’s amended complaint arising from a 2021 investigatory stop and pat-down by MPD officers. The court dismisses Marsh’s Monell claims against the District of Columbia because the complaint does not plausibly allege a municipal policy, custom, or deliberate indifference in training, supervision, or discipline. The court also addresses claims under the D.C. Human Rights Act and treats the declaratory judgment request as a form of relief rather than a separate cause of action.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Randolph D. Moss
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 26, 2026
DOCKET	24-683 (RDM)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint's Monell claims against the District of Columbia and its DCHRA and declaratory-judgment claims against all defendants. The court granted the partial motion to dismiss.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but a complaint must contain sufficient factual matter to state a plausible claim for relief. Legal conclusions and unsupported inferences are not accepted as true.
PRECEDENTIAL VALUE	published district-court memorandum opinion
PARTIES	Anthony Marsh II v. District of Columbia, John Bewley, Anthony DelBorrell

TOPICS

municipal liability

section 1983

motions to dismiss

civil rights

constitutional law

PRACTICE AREAS

constitutional law

civil rights

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civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that a District of Columbia policy or custom caused the alleged Fourth Amendment violation for purposes of Monell municipal liability under 42 U.S.C. § 1983.
2. Whether the amended complaint plausibly alleged deliberate indifference based on the District's failure to train, supervise, or discipline MPD officers.
3. Whether the alleged racially discriminatory stop and frisk stated a claim under the District of Columbia Human Rights Act.
4. Whether a request for declaratory relief under 28 U.S.C. § 2201 constituted a separate cause of action.

HOLDINGS

1. The complaint did not plausibly allege that Marsh's stop resulted from a widespread, persistent municipal practice attributable to the District and therefore failed to state a Monell claim based on custom or policy.
2. The complaint did not plausibly allege deliberate indifference or a constitutionally deficient failure to train, supervise, or discipline.
3. The alleged discriminatory stop and frisk did not fall within the DCHRA provision governing District government services, facilities, programs, or benefits, so the DCHRA claim failed as a matter of law.
4. A request for declaratory relief under 28 U.S.C. § 2201 is a form of relief rather than an independent cause of action and was not treated as a separate claim.

KEY QUOTATIONS

“More than a single prior incident, which involved someone who (unlike Plaintiff) actually possessed a gun, id.; a second incident that the complaint characterizes as “similar” but without including any detail, id.; and a series of wholly conclusory allegations, see, e.g., id. at 18 (Am. Compl. ¶ 33) (alleging “repeated complaints and findings of similar violations by MPD officers” that “reflect a persistent, widespread practice”), is required plausibly to allege that Plaintiff’s unlawful stop was attributable to a broader District custom that carried the force of law.” (at 11)

“Ultimately, Plaintiff’s failure to train, supervise, or discipline theory, like his allegation of a policy or custom, rests on little more than general and conclusory assertions that the District maintained inadequate policies and practices.” (at 14)

“Because Officers Bewley and DelBorrell’s alleged misconduct does not fall within the scope of unlawful discriminatory action covered by the DCHRA, the Court will grant Defendants’ motion to dismiss the DCHRA claim.” (at 18)

FACTUAL BACKGROUND

On January 20, 2021, eight MPD officers approached Anthony Marsh while he was walking his dog on a residential street. Officers Bewley and DelBorrell stopped and frisked Marsh based on their asserted observation of a bulge in his jacket, although no weapon or contraband was found and body-camera footage allegedly showed no visible bulge or other basis for the stop. The D.C. Office of Police Complaints sustained Marsh's police-harassment allegation and found that the officers lacked an adequate legal basis for the stop. Marsh relied primarily on that incident, one more specifically described 2020 incident involving the same officers, and generalized allegations of other misconduct to plead municipal liability and race discrimination.

PROCEDURAL HISTORY

Marsh initially sued the MPD and Officers Bewley and DelBorrell in the D.C. Superior Court after a January 2021 stop and frisk, asserting Fourth Amendment, negligence, and false-imprisonment claims. Defendants removed the action to federal court. In Marsh I, the court dismissed the MPD as non sui juris, dismissed the negligence and false-imprisonment claims against the officers, allowed the individual Fourth Amendment claim to proceed, and granted leave to add the District if Marsh could adequately plead a Monell claim. Marsh filed an amended complaint adding the District and DCHRA claims, and defendants filed the present partial motion to dismiss.

DISPOSITION

other

CASES CITED

- Monell v. Department of Social Services, 436 U.S. 658 (1978)
- Marsh v. Bewley, No. 24-cv-683, 2025 WL 947518 (D.D.C. Mar. 28, 2025)
- Gordon v. U.S. Capitol Police, 778 F.3d 158, 163-64 (D.C. Cir. 2015)
- Baker v. District of Columbia, 326 F.3d 1302, 1306-07 (D.C. Cir. 2003)
- Collins v. City of Harker Heights, 503 U.S. 115, 120 (1992)
- Hunter v. District of Columbia, 824 F. Supp. 2d 125, 133 (D.D.C. 2011)
- Parker v. District of Columbia, 850 F.2d 708, 712 (D.C. Cir. 1988)
- Bd. of Cnty. Comm'rs v. Brown, 520 U.S. 397, 404, 409 (1997)
- Oklahoma City v. Tuttle, 471 U.S. 808, 821, 823-24 (1985)
- Connick v. Thompson, 563 U.S. 51, 62-63 (2011)
- Daskalea v. District of Columbia, 227 F.3d 433, 441 (D.C. Cir. 2000)
- Atchinson v. District of Columbia, 73 F.3d 418, 422-23 (D.C. Cir. 1996)
- Singh v. District of Columbia, 881 F. Supp. 2d 76, 87 (D.D.C. 2012)
- Wagner v. Taylor, 836 F.2d 566 (D.C. Cir. 1987)
- Lilly v. District of Columbia, 657 F. Supp. 3d 65, 77 (D.D.C. 2023)
- Williams v. District of Columbia, 317 F. Supp. 3d 195, 201-02 (D.D.C. 2018)

- Craig v. District of Columbia, 881 F. Supp. 2d 26, 29, 34 n.6 (D.D.C. 2012)
- Orellana-Escobar v. Fernandez, No. 24-cv-1767, 2026 WL 161189, at *7 (D.D.C. Jan. 21, 2026)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Laughlin v. Holder, 923 F. Supp. 2d 204, 209 (D.D.C. 2013)
- Trudeau v. FTC, 456 F.3d 178, 193 (D.C. Cir. 2006)
- United States v. Smith, 373 F. Supp. 3d 223, 237-39 (D.D.C. 2019)
- Drayton ex rel. Estate of Estep v. District of Columbia, No. 24-3023, 2026 WL 74133, at *11-12 (D.D.C. Jan. 9, 2026)

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