

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Devin D. McGuire v. Jailer Brockwell, Jailer Ward, Jailer Myers, and
Captain Keener

McGuire v. Brockwell, No. 3:22-CV-217-TAV-JEM (E.D. Tenn. Mar. 12, 2026) · No. 3:22-CV-217-TAV-JEM ·
Decided March 12, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee denied the plaintiff’s motion to appoint counsel and granted defendants’ motion to dismiss a 42 U.S.C. § 1983 excessive-force action. The court held that the claims accrued when the alleged injuries were discoverable and were filed outside Tennessee’s one-year limitations period, with no basis for equitable tolling. The action was dismissed without prejudice, and the court certified that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Thomas A. Varlan
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	March 12, 2026
DOCKET	3:22-CV-217-TAV-JEM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner brought an action under 42 U.S.C. § 1983 alleging excessive force. Defendants moved to dismiss as time-barred, and Plaintiff moved for appointment of counsel.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, dismissal based on an affirmative statute-of-limitations defense is proper when the complaint affirmatively shows that the claim is time-barred. Appointment of counsel in a civil action is reviewed under the district court’s discretionary exceptional-circumstances standard.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion and order with no reported citation.
PARTIES	Devin D. McGuire v. Jailer Brockwell, Jailer Ward, Jailer Myers, Captain Keener

TOPICS

section 1983 prisoners rights statute of limitations motions to dismiss civil procedure

PRACTICE AREAS

Civil rights Prisoner litigation Federal civil procedure Statute of limitations

QUESTIONS PRESENTED

1. Whether Plaintiff's § 1983 excessive-force claims were barred by Tennessee's one-year statute of limitations.
2. Whether the complaint affirmatively established untimeliness such that dismissal under Federal Rule of Civil Procedure 12(b)(6) was proper.
3. Whether Plaintiff established exceptional circumstances warranting appointment of counsel in this civil prisoner action.

HOLDINGS

1. Appointment of counsel was not warranted because Plaintiff failed to establish exceptional circumstances; the case was not legally or factually complex and Plaintiff was able to present his claims.
2. Tennessee's one-year statute of limitations for personal-injury actions applies to Plaintiff's § 1983 excessive-force claims.
3. Dismissal under Rule 12(b)(6) was proper because Plaintiff's complaints affirmatively showed that his excessive-force claims were filed outside the applicable one-year limitations period, and he identified no applicable exception or tolling basis.

KEY QUOTATIONS

“Appointment of counsel in a civil proceeding is not a constitutional right, but a privilege justified only in exceptional circumstances.” (Section I)

“As § 1983 has no statute of limitations, federal courts rely on the forum state’s statute of limitations for personal injury actions when addressing complaints for violation of 42 U.S.C. § 1983.” (Section II.B)

“A district court may dismiss an action under Rule 12(b)(6) of the Federal Rule of Civil Procedure if the complaint “affirmatively show[s] that the claim is time-barred.”” (Section II.B)

FACTUAL BACKGROUND

McGuire alleged that jail personnel used excessive force against him at the Loudon County Jail on December 28, 2020. He sought relief under 42 U.S.C. § 1983 and alleged injuries including damage to his teeth. He filed his original complaint on April 19, 2022, nearly sixteen months after the incident, and did not identify any basis for tolling the limitations period.

PROCEDURAL HISTORY

Plaintiff filed his original complaint on April 19, 2022, alleging that Defendants used excessive force on December 28, 2020. He later filed an operative complaint adding Captain Keener as a participant. Plaintiff did not timely respond to Defendants' motion to dismiss, and the court granted the motion, denied appointment of counsel, denied other pending motions as moot, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Lavado v. Keohane, 992 F.2d 601, 605-06 (6th Cir. 1993)
- Reneer v. Sewell, 975 F.2d 258, 261 (6th Cir. 1992)
- Wallace v. Kato, 549 U.S. 384, 387-88 (2007)
- Foster v. State, 150 S.W.3d 166, 168 (Tenn. Ct. App. 2004)
- Eidson v. State of Tenn. Dep't of Children's Servs., 510 F.3d 631, 635 (6th Cir. 2007)
- Friedman v. Estate of Presser, 929 F.2d 1151, 1159 (6th Cir. 1991)
- Sevier v. Turner, 742 F.2d 262, 273 (6th Cir. 1984)
- Bozzo v. Nanasy, 159 F.4th 1111, 1116 (6th Cir. 2025)
- Cataldo v. U.S. Steel Corp., 676 F.3d 542, 547 (6th Cir. 2012)
- Lutz v. Chesapeake Appalachia, LLC, 717 F.3d 459, 464 (6th Cir. 2013)
- Graham-Humphreys v. Memphis Brooks Museum of Art, Inc., 209 F.3d 552, 560-61 (6th Cir. 2000)