

EXCESSIVE FORCE

“Holding that police officers’ pointing their guns at close range at a suspect was excessive force even though they did not fire the gun”
Lowry v. City of San Diego, 818 F.3d 840 (9th Cir. 2016)

“Holding viable excessive force claim based upon pointing of a gun at suspect’s head at close range”
Rodriguez v. City of Modesto, No. 11-15306 (9th Cir. Aug. 2, 2013)

“Holding that the officers’ use of a drawn gun at close range when they pointed the gun at head of unarmed misdemeanor suspect is actionable”
ESPINOSA v. CITY AND COUNTY OF SAN FRANCISCO, 598 F.3d 528 (9th Cir. 2010)

“Holding that “when the seizure itself is otherwise proper the mere threat of force cannot be an excessive use of force within the meaning of the Fourth Amendment””
CORALES v. BENNETT, 567 F.3d 554 (9th Cir. 2009)

“Holding that the pointing of a gun at someone may constitute excessive force even it does not cause physical injury”
Nichols v. City of San Jose, Case No. 14-cv-03383-BLF (N.D. Cal. Apr. 19, 2017)

“Holding a county defendant may be liable for excessive force claims brought against police officers”
Peel v. Cnty. of San Mateo, Case No. 15-cv-04694-JST (N.D. Cal. Feb. 8, 2016)

“Holding the plaintiff established a Fourth Amendment excessive force violation where officers pointed a gun at him when they were investigating a misdemeanor, he was unarmed and peaceful, there were no dangerous or exigent circumstances, and the officers outnumbered him”
Sauceda v. City of N. Las Vegas, Case No. 2:11-cv-02116-APG-NJK (D. Nev. Mar. 2, 2015)

“Holding that pointing a gun at someone may constitute excessive force, even if it does not cause physical injury”
Phelps v. Fresno Police Dept Arresting Officer Know, Case No. 1:14-cv-251-AWI-BAM (E.D. Cal. Sep. 4, 2014)

“Holding that the officers’ use of a drawn gun at close range when they pointed the gun at the head of unarmed misdemeanor suspect is actionable”
Rodriguez v. Cnty. of Contra Costa, Case No: C 13-02516 SBA (N.D. Cal.

Nov. 1, 2013)

“Holding that officers’ immunity from California state law claims, including false arrest and false imprisonment, depend on whether Defendants’ used excessive force”

P.A. v. United States, Case No. : C 10-2811 PSG (N.D. Cal. Jul. 24, 2013)

“Holding that the officers’ use of a drawn gun at close range when they pointed the gun at the head of an unarmed misdemeanor suspect is actionable”

Hernandez v. Kunkle, CASE NO. C12-178 RSM (W.D. Wash. Jan. 15, 2013)

“Holding an officer’s use of force was excessive in the absence of any of the factors enumerated in Graham”

Gonzalez v. Visalia Police Dep’t, CASE NO. 1:11-cv-01266-AWI-MJS (PC) (E.D. Cal. Jun. 28, 2012)

“Holding that the allegation that police officers’ “use of a drawn gun pointed at close range at [plaintiff’s] head” stated a claim for excessive force in the absence of any touching when no factors justifying force were present”

ENDSLEY v. LUNA, 750 F. Supp.2d 1074 (C.D. Cal. 2010)

“Holding officers’ drawing and pointing of firearms constituted excessive force where “[t]he crime under investigation was at most a misdemeanor; the suspect was apparently unarmed and approaching the officers in a peaceful way[;] [t]here were no dangerous or exigent circumstances apparent at the time of the detention, and the officers outnumbered plaintiff””

RAY v. CITY OF OAKLAND, No. C-08-3627 MMC. (N.D. Cal. Oct. 16, 2009)

“Finding excessive force where two officers pointed guns from point-blank range at the head of individual suspected of a misdemeanor”

Stiegel v. Peters Twp., No. 14-1631 (3d Cir. Dec. 9, 2014)

“Finding excessive force where misdemeanor suspect was “apparently unarmed and approaching the officers in a peaceful way[, t]here were no dangerous or exigent circumstances apparent at the time of the detention, and the officers outnumbered the plaintiff” ”

Green v. City of S.F., 751 F.3d 1039 (9th Cir. 2014)

“Finding the law sufficiently established in 2002 to recognize the “general principle that pointing a gun to the head of an apparently unarmed suspect during an investigation” can constitute excessive force,

"especially where the individual poses no particular danger"
COUDEN v. DUFFY, 446 F.3d 483 (3d Cir. 2006)

"Finding that where suspect was an apparently unarmed man suspected of a misdemeanor was insufficient to justify officers' action of drawing gun at close range and pointing it at the suspect's head, and concluding that the presently unarmed suspect's earlier use of a weapon was still insufficient, without more, to justify the intrusion to his person"
Garlick v. Cnty. of Kern, 167 F.Supp.3d 1117 (E.D. Cal. 2016)

"Finding the law clearly established in 2002 recognized the "general principle that pointing a gun to the head of an apparently unarmed suspect during an investigation" can constitute excessive force, "especially where the individual poses no particular danger"
Payano v. City of Camden, Civil No. 13-2528 (NLH) (D.N.J. Feb. 1, 2016)

"Finding use of guns and handcuffs to detain a suspect unreasonable because "the crime under investigation was at most a misdemeanor [and] the suspect was apparently unarmed and approaching the officers in a peaceful way"
Sauceda v. City of N. Las Vegas, Case No. : 2:11-cv-02116-GMN-NJK (D. Nev. Dec. 1, 2015)

"Finding apparently unarmed man suspected of shooting neighbor's dogs was misdemeanor suspect, insufficient to justify officers' action of drawing gun at close range and pointing it at suspect's head; concluding that suspect's earlier use of a weapon, that he clearly no longer carried, was still insufficient to justify the intrusion on his personal security, without more"
Rodriguez v. City of Modesto, Case No. 1:10-CV-01370-LJO-MJS (E.D. Cal. Apr. 8, 2015)

"Finding plaintiff had made sufficient claims against individual police officers and county under California law for false arrest, false imprisonment, assault and battery, negligence, and gross negligence"
Johnson v. Shasta Cnty., 83 F.Supp.3d 918 (E.D. Cal. 2015)

"Finding that pointing a gun at a suspect was excessive force when "[t]he crime under investigation was at most a misdemeanor; the suspect was apparently unarmed and approaching the officers in a peaceful way"
Davis v. City of Seattle, CASE NO. C13-0895JLR (W.D. Wash. Jul. 31, 2014)

"Finding seizure where suspect stopped walking toward officers when officers pointed gun at suspect's head at close range"

JACKSON v. MYERS, No. C 05-02620 JF (PR). (N.D. Cal. Sep. 12, 2008)

“Finding excessive force where police pointed gun at head of suspect who was outnumbered by police, was approaching them peacefully, and no longer carried shotgun as previously reported”

GRAY v. CITY OF HAYWARD POLICE DEPARTMENT, No. C 05-0855 MMC (PR). (N.D. Cal. Mar. 2, 2007)