

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOSEPH S. SANDERS, JR.,)
)
 Plaintiff,)
)
 v.) Civil Action No. 97-694-SLR
)
TROOPER RODNEY L. WORKMAN)
and COL. ALAN ELLINGSWORTH,)
)
 Defendants.)

MEMORANDUM ORDER

At Wilmington this 13th day of February, 2003, after considering defendants' motion for summary judgment (D.I. 49) and the papers submitted in connection therewith (D.I. 50, 51);

IT IS ORDERED that defendants' motion for summary judgment is granted for the reasons that follow:

1. **Introduction.** Plaintiff Joseph S. Sanders, Jr. initiated this 42 U.S.C. § 1983 action in December 1997. (D.I. 2) He avers, essentially, that defendant Trooper Rodney L. Workman used excessive force during plaintiff's arrest and that defendant Col Alan Ellingsworth failed to properly train Workman. (D.I. 2 at 3a-3b) In response, defendants filed a motion to dismiss. (D.I. 16)

2. By memorandum order dated March 27, 2001 (D.I. 17), this court denied, in part, defendants' motion to dismiss after finding that: 1) plaintiff's allegations were sufficient to support a claim that defendant Workman's conduct may have been

unreasonable and violative of his Fourth Amendment rights; 2) plaintiff had alleged sufficient evidence to suggest that defendant Ellingsworth had failed to properly train defendant Workman; and 3) defendants were not entitled to protection under the theory of qualified immunity at this stage of the proceedings.¹

3. Defendants answered the complaint and discovery was exchanged. (D.I. 31, 35, 36, 40, 42, 43, 45, 46, 48) Plaintiff was deposed in March 2002. (D.I. 39) Defendants then moved for summary judgment. (D.I. 50) Although plaintiff's request for additional time to file opposition to the summary judgment motion was granted (D.I. 53), he never submitted any responsive papers.

4. **Standard of Review.** A court shall grant summary judgment only if "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). The moving party bears the burden of proving that no genuine issue of material fact exists. See Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 n.10 (1986). "Facts that could alter the outcome are 'material,' and disputes are 'genuine' if

¹The court concluded, however, that the Eleventh Amendment barred suit against defendants in their official capacities and granted the motion to dismiss on that particular ground. (D.I. 17)

evidence exists from which a rational person could conclude that the position of the person with the burden of proof on the disputed issue is correct.” Horowitz v. Fed. Kemper Life Assurance Co., 57 F.3d 300, 302 n.1 (3d Cir. 1995) (internal citations omitted). If the moving party has demonstrated an absence of material fact, the nonmoving party then “must come forward with ‘specific facts showing that there is a genuine issue for trial.’” Matsushita, 475 U.S. at 587 (quoting Fed. R. Civ. P. 56(e)). The court will “view the underlying facts and all reasonable inferences therefrom in the light most favorable to the party opposing the motion.” Pa. Coal Ass’n v. Babbitt, 63 F.3d 231, 236 (3d Cir. 1995). The mere existence of some evidence in support of the nonmoving party, however, will not be sufficient for denial of a motion for summary judgment; there must be enough evidence to enable a jury reasonably to find for the nonmoving party on that issue. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986). If the nonmoving party fails to make a sufficient showing on an essential element of its case with respect to which it has the burden of proof, the moving party is entitled to judgment as a matter of law. See Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986).

5. **Discussion of Fourth Amendment Claim.** Plaintiff claims that Workman’s use of excessive force during his arrest was a violation of his Fourth Amendment rights. The Fourth Amendment and its “reasonableness” standard should be used to analyze all

claims which allege that law enforcement officers have used excessive force in the course of an arrest of a free citizen. Graham v. Connor, 490 U.S. 386, 395 (1989). The Fourth Amendment's reasonableness standard is "not capable of precise definition or mechanical application." Id. at 396 (quoting Bell v. Wolfish, 441 U.S. 520, 559 (1979)). The reasonableness test requires careful analysis of the "facts and circumstances of each particular case, including . . . whether the suspect poses an immediate threat to officer safety and whether he is actively resisting arrest or attempting to evade arrest by flight." Id. (citing Tennessee v. Garner, 471 U.S. 1, 8-9 (1985)). The reasonableness of force used "must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." Id. (citing Terry v. Ohio, 392 U.S. 1, 20-22 (1968)). The question to be answered is "whether the officers' actions were 'objectively reasonable' in light of the specific facts and circumstances confronting them [at that particular moment, regardless] of their underlying intent or motivation." Id. at 397 (citing Scott v. United States, 436 U.S. 128, 137-139 (1978)); see also Terry, 392 U.S. at 21. "An officer with evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer's good intentions make an objectively unreasonable use of force constitutional." Id.

6. Defendant Workman contends that appropriate and reasonable force was applied when he and another officer arrested plaintiff after he had escaped from custody days earlier. (D.I. 51, A-18, A-20) According to Delaware State Police Corporal Wayne Warren, plaintiff was arrested in November 1996

in the parking lot of Grotto's Grand Slam, which was approximately one quarter-mile from Troop 7. . . . [Plaintiff] did not comply with my commands, and when [plaintiff] emerged from the vehicle he was in he came out quickly. I believe I put a wrist-lock on him, which is a bending of the wrist in a forward direction. A wrist-lock can cause swelling and temporary pain, which may have happened in [plaintiff's] case. After I put handcuffs on [plaintiff], Detective Rodney Workman [defendant] put leg shackles on him, as [plaintiff] had escaped from the Justice of the Peace Court several days earlier. [Defendant] Workman then walked [plaintiff] over to Detective Wallace's vehicle and placed [plaintiff] inside it. Wallace and [defendant] Workman then went in Wallace's vehicle to Troop 7, which was less than a minute away by car. I never saw any action by [defendant] Workman to abuse [plaintiff], and I did not hear any abusive language. No one was angry. Two female acquaintances of [plaintiff] had traveled to Grotto's in my vehicle, and they were cooperative. When [plaintiff] left Grotto's in Wallace's vehicle, I saw no need for medical attention for [plaintiff].

(D.I. 51, A-20-A-21) The affidavit of Corporal William Wallace corroborates the account provided by Trooper Warren. Specifically, Wallace avers that plaintiff's arrest was entirely routine and devoid of any confrontation. (Id. at A-19) Wallace

did not observe defendant Workman push, choke, touch plaintiff's ear nor engage in any use of force. (Id.) Likewise, another witness to some of the events, Trooper Dawn Sykes, denies observing any abusive behavior. (Id. at A-27 - A-28)

7. Although afforded sufficient opportunity to respond to the motion for summary judgment, plaintiff has not filed any opposition. Plaintiff's deposition testimony reflects that defendant Workman pressed plaintiff's ear, squeezed the handcuffs too tightly and shoved plaintiff several times while arresting and transporting him to the State Police station. (Id. at A-19, A-23) Plaintiff explains that defendant Workman was angry with him for escaping from custody a few days earlier and apparently applied this aggressive behavior in response. However, the affidavit testimony of three Delaware State troopers completely contradicts plaintiff's version of the events. Accordingly, based on the record, the court finds defendant Workman's conduct reasonable and not in violation of plaintiff's Fourth Amendment rights.

8. **Discussion of Failure to Properly Train.** Plaintiff alleges that defendant Ellingsworth's failure to properly train defendant Workman violated plaintiff's civil rights. "[T]he inadequacy of police training may serve as the basis for § 1983 liability 'only where the failure to train amounts to deliberate indifference to the rights of persons with whom the [police] come into contact.'" Daniels v. Delaware, 120 F. Supp.2d 411, 423 (D.

Del. 2000) (quoting City of Canton v. Harris, 489 U.S. 378, 388 (1989)). "To establish a Section 1983 claim for failure to train and supervise employees, a plaintiff must (1) identify with particularity what the supervisory officials failed to do that demonstrates deliberate indifference and (2) demonstrate a close causal link between the alleged failure and the alleged injury." Id. (citing Sample v. Diecks, 885 F.2d 1099, 1118 (3d Cir. 1989)).

9. The affidavit testimony of two Delaware State troopers establishes that, at the State Police Academy, defendant Workman attended courses on "use of force, constitutional rights and police discipline and courtesy." (D.I. 51, A-13, affidavit of James Paige; A-12 - A-19) Moreover, according to the Delaware State Police Internal Affairs unit records, there "is no record of any complaints against [defendant] Workman for excessive force, racial discrimination, or use of any racial slur against anyone. There are no charges or disciplinary records against [defendant] Workman for excessive force, racial discrimination, or use or racial slurs." (Id. at A-13)

10. In light of this record and the absence of any contradictory evidence presented by plaintiff, the court finds there is no evidence to support the allegations that defendant Ellingsworth failed to properly train defendant Workman. To the contrary, the affidavits and records presented by defendants establish that defendant Workman received proper training.

11. IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment in favor of defendants and against plaintiff.

Sue L. Robinson
United States District Judge