FILED
United States Court of Appeals
Tenth Circuit

April 19, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

DEWAYNE HERNDON KNIGHTEN,

Plaintiff - Appellee,

v.

AARON RAMSEY, Deputy, Tulsa County Sheriff's Office,

Defendant - Appellant,

and

TULSA COUNTY SHERIFF'S OFFICE; TURN KEY HEALTH SERVICES PROVIDER; BILLIE BYRD, Sergeant, Tulsa County Sheriff's Office,

Defendants.

No. 22-5078
(D.C. No. 4:21-CV-00186-CVE-JFJ)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **TYMKOVICH**, **BACHARACH**, and **PHILLIPS**, Circuit Judges.

DeWayne Knighten, then a pretrial detainee at the Tulsa County Jail, alleges that Sheriff Deputy Aaron Ramsey dumped him out of his wheelchair and exacerbated Knighten's pre-existing injuries. As part of his 42 U.S.C. § 1983 claim, Mr. Knighten

---

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

alleges that this amounted to excessive force in violation of his Fourteenth Amendment rights. Deputy Ramsey filed a motion to dismiss claiming an entitlement to qualified immunity. The district court disagreed, and Ramsey appealed. We affirm the district court.

I. Background

We draw the background facts from Mr. Knighten's complaint.[1] "At the motion-to-dismiss stage, we must accept as true all well-pleaded factual allegations and view these allegations in the light most favorable to the plaintiff." *Cressman v. Thompson*, 719 F.3d 1139, 1141 (10th Cir. 2013) (internal quotation marks omitted). Because Mr. Knighten filed his complaint as a pro se litigant, we liberally construe his pleadings. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

Although unclear, sometime before Mr. Knighten was arrested and confined in Tulsa County Jail, he broke both of his ankles. Prior to arrest he received no medical attention for his injuries but had "clear physical swelling and bruising of [his] legs, ankles, and feet." Aplt. App. I at 11. After he was booked, the "arresting officer informed jail deputies and detention staff" of his injuries. *Id.* Eventually the jail

[1] The district court ordered a *Martinez* report to flesh out background facts. But the district court did not rely on it in rejecting the motion to dismiss. It acted well within its discretion in declining to do so. *Alvarado v. KOB-TV*, 493 F.3d 1210, 1215 (10th Cir. 2007). In his appellate briefing, Ramsey encouraged us to take the *Martinez* report into account. Knighten requested the opposite. But at oral argument, Ramsey changed course and suggested that we limit our review to the four corners of the complaint. Accordingly, we recite only the facts alleged in the complaint. But we would ultimately still affirm the district court if we took the *Martinez* report into account.

charged Deputy Ramsey with transporting Mr. Knighten—via wheelchair—to a vehicle that would take Mr. Knighten to receive medical treatment.

Upon arriving to the vehicle, Deputy Ramsey requested that Mr. Knighten stand up and move to the vehicle. But Mr. Knighten was "black-boxed and handcuffed with no leg support," and his ankles were broken. *Id.* at 12. Mr. Knighten alleges that Deputy Ramsey "thought [he] was faking [his injuries]," so Deputy Ramsey "tried to force [him] to walk on [his] broken bones by dumping [him] out of [his] wheelchair." *Id.* Mr. Knighten consequently suffered pain and agitation to his pre-existing ankle injuries.

Mr. Knighten sued Deputy Ramsey for violating his Fourteenth Amendment right to be free from excessive force. Deputy Ramsey moved to dismiss the claim. The district court denied the motion, reasoning that Mr. Knighten plausibly alleged excessive force and that pre-existing law clearly established the illegality of Deputy Ramsey's force.

II. Analysis

Deputy Ramsey makes three arguments on appeal. First, he argues that his alleged use of force was de minimis, such that it could not form the basis for any constitutional violation. Second, he argues that, even if his force was not de minimis, it did not amount to excessive force. And third, he claims that no pre-existing law clearly established that his force was excessive. As a result, the district court erred in denying him qualified immunity. Because we conclude that Mr. Knighten plausibly alleged excessive force, we do not consider Deputy Ramsey's first argument.

Qualified immunity shields executive officials from civil liability when "their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). When a defendant claims qualified immunity, the plaintiff must show "(1) the defendant violated his constitutional rights; and (2) the law was clearly established at the time of the alleged violation." *Soza v. Demsich*, 13 F.4th 1094, 1099 (10th Cir. 2021).

We consider first whether Mr. Knighten alleged a violation of his constitutional rights. We then move to consider whether clearly established law would have put Deputy Ramsey "on notice" that his alleged actions violated Mr. Knighten's rights. *Hemry v. Ross*, 62 F.4th 1248, 1256 (10th Cir. 2023).

A. Constitutional Violation

Mr. Knighten alleges that Deputy Ramsey violated his Fourteenth Amendment right to be free from excessive force by dumping him out of his wheelchair. Deputy Ramsey seems to dispute that Mr. Knighten's complaint alleges this, but we have no difficulty locating this allegation in a liberal construction of the complaint.

Pretrial detainees like Mr. Knighten bring excessive force claims under the Fourteenth Amendment. "[A] pretrial detainee must show only that the force purposely or knowingly used against him was objectively unreasonable." *Kingsley v. Hendrickson*, 576 U.S. 389, 396–97 (2015). We assess objective unreasonableness given the unique circumstances of the case. The *Kingsley* factors help guide our inquiry and counsel consideration of (1) "the relationship between the need for the

use of force and the amount of force used," (2) "the extent of the plaintiff's injury," (3) "any effort made by the officer to temper or to limit the amount of force," (4) "the severity of the security problem at issue," (5) "the threat reasonably perceived by the officer," and (6) "whether the plaintiff was actively resisting." *Id.* at 397. But at bottom, "a pretrial detainee can prevail by providing only objective evidence that the challenged governmental action is not rationally related to a legitimate governmental objective or that it is excessive in relation to that purpose." *Id.* at 398.

Mr. Knighten's complaint plainly alleges a colorable excessive force claim. The *Kingsley* factors generally cut in his favor. On the facts alleged, there was a "disproportionate relationship between the need for the use of the force and the amount of force used." *Id.* at 397. Dumping someone out of a wheelchair and onto the ground is entirely gratuitous. Deputy Ramsey did not temper the amount of force he used, nor was there an apparent "security problem" or threat "reasonably perceived by the officer," as the complaint does not allege that Mr. Knighten was "actively resisting." *Id.* While the nature of Mr. Knighten's exacerbated injury is admittedly unclear, that does not bar him from adequately alleging an excessive force claim.

Furthermore, dumping Mr. Knighten out of his wheelchair plainly did not "rationally relate to a legitimate governmental objective." *Id.* at 398. To be sure, Deputy Ramsey *had* a legitimate objective: transporting Mr. Knighten to a vehicle so that he could receive treatment for his broken ankles. But forcibly dumping Mr. Knighten out of his wheelchair did not rationally relate to that objective.

Deputy Ramsey rebuts that Mr. Knighten admits in his complaint that Deputy Ramsey did not know Mr. Knighten's ankles were broken or that he could not walk. After all, Mr. Knighten alleges that Deputy Ramsey "thought [he] was faking [his] injuries." Aplt. App. I at 12. As a result, it would not have been objectively unreasonable to try and jostle Mr. Knighten out of his wheelchair to encourage him to approach and enter the vehicle. But liberally construed, the complaint asserts that Deputy Ramsey's suspicion was unreasonable. After all, Mr. Knighten alleged that he had "clear physical swelling and bruising of [his] legs, ankles, and feet." *Id.* at 11. Moreover, at least some jail personnel believed a wheelchair was necessary for transportation. Mr. Knighten's speculation that Deputy Ramsey thought he was faking his injuries does not defeat Mr. Knighten's claim that Deputy Ramsey acted unreasonably.

Mr. Knighten sufficiently alleged that Deputy Ramsey violated his Fourteenth Amendment right against excessive force.

B. Clearly Established Law

Deputy Ramsey argues that no clearly established law would put him on notice that he used excessive force.

General constitutional principles can sometimes constitute clearly established law in novel factual situations. *Casey v. City of Fed. Heights*, 509 F.3d 1278, 1284 (10th Cir. 2007).

We think a collection of cases established legal principles that sufficed to put Deputy Ramsey on notice. For example, in *Estate of Booker v. Gomez*, 745 F.3d 405

(10th Cir. 2014), officers pinned a pretrial detainee on the ground, placed him in a chokehold, and tased him. We explained that the "use of such force on a person who is not resisting and who is restrained in handcuffs is disproportionate," and ultimately found for the pretrial detainee. *Id.* at 429. Deputy Ramsey should have been under no illusion that dumping a handcuffed man with broken ankles out of a wheelchair was similarly "disproportionate" and violative of his Fourteenth Amendment rights.

Consider also *Colbruno v. Kessler*, 928 F.3d 1155 (10th Cir. 2019). There, the pretrial detainee alleged that, during a psychotic episode, he swallowed dangerous metal fragments. Jail officials rushed him to a hospital while he wore only a smock. On the way, he urinated and defecated on the smock, so the officials walked him into the hospital naked. We determined that the detainee alleged a colorable Fourteenth Amendment excessive force claim. After all, "exposing a person's naked body involuntarily is a severe invasion of personal privacy," and we doubted that denying the plaintiff a "dignified covering" related to a legitimate penological interest. *Id.* at 1164–65. Similarly, Deputy Ramsey should have been aware that the gratuitous application of force to an injured inmate infringed on a right to be free from force without a rational relationship to a legitimate penological goal.

Furthermore, the Supreme Court has held time and again that a pretrial detainee's Fourteenth Amendment rights are violated when subjected to restrictions, conditions, or force that do not reasonably relate to a legitimate governmental goal. *See, e.g.*, *Kingsley*, 576 U.S. at 398; *United States v. Salerno*, 481 U.S. 739, 747

(1987); *Bell v. Wolfish*, 441 U.S. 520, 539 (1979). Deputy Ramsey was on sufficient notice that he could not subject Mr. Knighten to senseless and arbitrary force.

On the facts alleged, Deputy Ramsey was on notice that his actions violated Mr. Knighten's Fourteenth Amendment rights.

III. Conclusion

We affirm the district court's denial of Deputy Ramsey's motion to dismiss Mr. Knighten's Fourteenth Amendment excessive force claim.

Entered for the Court

Timothy M. Tymkovich
Circuit Judge

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

April 19, 2023

Mrs. Leana Paola Glenn
Mr. Michael Shouse
Mr. Douglas A. Wilson
Tulsa County District Attorney
Civil Division
218 West Sixth Street, Suite 933
Tulsa, OK 74119

RE: 22-5078, Knighten v. Ramsey, et al
Dist/Ag docket: 4:21-CV-00186-CVE-JFJ

Dear Counsel:

Attached is a copy of the order and judgment issued today in this matter. The court has entered judgment on the docket pursuant to Fed. R. App. P. Rule 36.

Pursuant to Fed. R. App. P. Rule 40(a)(1), any petition for rehearing must be filed within 14 days after entry of judgment. Please note, however, that if the appeal is a civil case in which the United States or its officer or agency is a party, any petition for rehearing must be filed within 45 days after entry of judgment. Parties should consult both the Federal Rules and local rules of this court with regard to applicable standards and requirements. In particular, petitions for rehearing may not exceed 3900 words or 15 pages in length, and no answer is permitted unless the court enters an order requiring a response. *See* Fed. R. App. P. Rules 35 and 40, and 10th Cir. R.35 and 40 for further information governing petitions for rehearing.

Please contact this office if you have questions.

Sincerely,

Christopher M. Wolpert
Clerk of Court

cc: Maddie Curry
Matthew Cushing
Jessica Elyse Eller
Rachel Olivia Martinez

CMW/at