

LITIGATING FOURTH AMENDMENT EXCESSIVE FORCE CLAIMS UNDER 42 U.S.C. § 1983

I. STATUTORY FRAMEWORK OF 42 U.S.C. § 1983

A. Elements of Claim

1. Action under color of state law
2. Deprivation of constitutional right

B. Municipal Liability

1. Policy or custom requirement
2. Failure to train, supervise, or discipline

C. Remedies

1. Compensatory damages
2. Punitive damages
3. Attorney's fees under 42 U.S.C. § 1988

II. FOURTH AMENDMENT EXCESSIVE FORCE STANDARDS

A. Definition of Seizure

B. Objective Reasonableness Standard

C. Graham v. Connor Analytical Factors

1. Severity of alleged offense
2. Immediate threat assessment
3. Active resistance or flight

D. Totality of the Circumstances Framework

III. QUALIFIED IMMUNITY DOCTRINE

A. Constitutional Violation Prong

B. Clearly Established Law Prong

C. Specificity Requirement in Eleventh Circuit Jurisprudence

D. Summary Judgment Burden Allocation

E. Interlocutory Appellate Review in Excessive Force Cases

IV. CASE EVALUATION & LITIGATION DEVELOPMENT

A. Client Intake and Preliminary Case Assessment

B. Immediate Evidence Preservation

C. Discovery and Record Development Strategy

D. Expert Retention and Evidentiary Framing

E. Record Positioning for Summary Judgment and Appeal

V. CASE STUDY ONE – ELEVENTH CIRCUIT APPEAL (NON-DEADLY FORCE)

A. Factual Background

B. Evidentiary Record

C. Video Evidence Review

1. Presentation of Body Camera / Incident Footage (5–10 Minutes)

2. Identification of Decision Points Within the Record

3. Doctrinal Integration and Real-Time Constitutional Application

D. Application of Graham Factors

E. Qualified Immunity Analysis

VI. CASE STUDY TWO – ELEVENTH CIRCUIT APPEAL (DEADLY FORCE)

A. Factual Background

B. Evidentiary Record

C. Video Evidence Review

1. Presentation of Recorded Incident Footage (5–10 Minutes)

2. Timeline Reconstruction and Threat Assessment

3. Doctrinal Integration and Real-Time Constitutional Application

D. Application of Tennessee v. Garner and Graham

E. Appellate Preservation Issues

1. Preservation of Factual Disputes for Review

2. Framing Issues for Interlocutory Appeal

3. Standards of Review Considerations

VII. STRATEGIC CONSIDERATIONS FOR TRIAL AND APPEAL

A. Framing Constitutional Narratives

B. Summary Judgment Positioning

C. Appellate Record Development

D. Trial Versus Appellate Advocacy Considerations

VIII. ETHICAL AND PRACTICAL CONSIDERATIONS

A. Client Counseling in Civil Rights Litigation

B. Media and Public Communications

C. Professional Responsibility Obligations