

United States Court of Appeals
For the Eighth Circuit

No. 16-3172

Forest Conan Kingcade

Plaintiff - Appellant

v.

Tim Trowbridge, Captain; Brandon Moore, Officer; Mark Dennis, Cpl.; Alan
Campbell, Officer; Phillip Caldwell, Sgt.; Steven Gregory

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - Cape Girardeau

Submitted: January 25, 2017
Filed: February 27, 2017
[Unpublished]

Before SMITH, ARNOLD, and COLLOTON, Circuit Judges.

PER CURIAM.

Missouri inmate Forest Conan Kingcade appeals the district court's adverse grant of summary judgment in his 42 U.S.C. § 1983 action against six police officers arising from his arrest in 2014. Viewing the record in a light most favorable to Mr. Kingcade, and drawing all reasonable inferences in his favor, we reverse in part and

affirm in part. See Cullor v. Baldwin, 830 F.3d 830, 836 (8th Cir. 2016) (de novo review). Specifically, we conclude that the district court properly granted summary judgment on Mr. Kingcade’s claims of deliberate indifference. See Corwin v. City of Independence, Mo., 829 F.3d 695, 698 (8th Cir. 2016) (to establish deliberate indifference, pretrial detainee must show he suffered from objectively serious medical need, and that defendants knew of, yet disregarded, that need); Barton v. Taber, 820 F.3d 958, 964 (8th Cir. 2016) (to be objectively serious, medical need must have been diagnosed by doctor as requiring treatment, or be so obvious that layperson would easily see necessity for doctor’s attention).

We disagree with the district court, however, that the claims of excessive force (and the related failure-to-intervene claims) were barred by Heck v. Humphrey, 512 U.S. 477 (1994). See Colbert v. City of Monticello, Ark., 775 F.3d 1006, 1007 (8th Cir. 2014) (per curiam) (there is no inherent conflict between finding that police officers used excessive force in effectuating arrest, and conviction for resisting arrest and harassment of police officer; state court’s determination that individual resisted lawful arrest may coexist with finding that officers used excessive force to subdue him). Accordingly, we affirm the grant of summary judgment on the deliberate-indifference claims, but we reverse as to the claims of excessive force and failure to intervene, and as to those claims, we remand for further proceedings consistent with this opinion.¹

¹Mr. Kingcade has affirmatively waived his remaining claim.