

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIENNA GUNSAY, ET AL.

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v.

Civil No. – JFM-14-1347

B. ROBERT MOZAYENI, M.D., ET AL.

MEMORANDUM

Plaintiffs brought this action against various defendants. This court previously granted summary judgment motions filed by all of the defendants, except for motions filed by defendants Henderson, Stultz, and Plummer against Brienna Gunsay. Discovery has now been completed as to the remaining claims, and defendants Henderson, Stultz, and Plummer have filed renewed motions for summary judgment. The motions will be granted.

Brienna Gunsay was a passenger in a vehicle driven by Brienna’s mother, Kristen Gunsay. Kristen Gunsay was arrested by defendants on two outstanding warrants, one of which was a felony.

Brienna alleges that she was “seized” by virtue of the fact that firearms were pointed at her. It may be assumed that firearms were pointed at Brienna. It is not unlawful for police officers to exercise their authority to remove passengers from a vehicle driven by a defendant named in a felony warrant. *See Maryland v. Wilson*, 519 U.S. 408, 415 (1997); *United States v. Banks*, 188 Fed. App’x 217, 219 (4th Cir. 2006). It is not material whether the officers had any belief that a passenger posed a safety risk. *See United States v. Hampton*, 628 F.3d 654, 658 (4th Cir. 2010).

Brienna also complains that at least some of the defendants detained her and asked her to speak with her estranged father who was at the scene. Certainly, it is not unlawful for a law enforcement officer to ask that a child speak to her parent.

Plaintiff has seemed to have pursued a theory that the police officers were in a conspiracy with Brienna's father and grandmother to detain her and her mother. They have, however, presented no proof on the summary judgment record to that effect. At the least, the officers are entitled to qualified immunity, and their motion for summary judgment must therefore be granted.

Date: 1/14/16



J. Frederick Motz
United States District Judge

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