

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

ROBERT DASHIELL

v.

JONATHAN OLIVER, ET AL.

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Civil No. – JFM-15-2437

MEMORANDUM

Pending before me is plaintiff's motion for attorneys' fees and costs. I will award costs in the amount of \$1,397.64 but I reluctantly deny attorneys' fees.

Plaintiff recovered only nominal damages at trial. There is nothing unusual about this excessive force case. Plaintiff failed to prove economic damages and the jury rejected his claim for non-economic damages. Although a jury's verdict in favor of a plaintiff in an excessive force case may be said to serve a public purpose, the Fourth Circuit has indicated that that alone does not justify an award of attorneys' fees. *See Kane v. Lewis*, No. 16-1140, 2017 WL 128503, at *2 (4th Cir. Jan. 13, 2017). *See also Mercer v. Duke Univ.*, 401 F.3d 199 (4th Cir. 2005).

A separate order effecting the rulings made in this memorandum is being entered herewith.

Date: 2/21/17

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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AT BALTIMORE

BY _____ DEPUTY



J. Frederick Motz
United States District Judge