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7 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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9 JARRAY WHITE,

10 Plaintiff,

11 v.

12 MICHAEL ALLEN, *et al.*,

13 Defendants.

Case No. C14-1126RSL

ORDER GRANTING IN PART  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

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15 This matter comes before the Court on defendants' motion for summary judgment. Dkt.  
16 # 12. Having reviewed the memoranda and exhibits submitted by the parties, and having heard  
17 the arguments presented at the April 30, 2015 hearing on this matter, the Court finds as follows.

18 In this civil rights action brought under 28 U.S.C. § 1983, plaintiff alleges that the named  
19 defendants, all corrections officers with the King County Department of Adult and Juvenile  
20 Detention ("DAJD"),<sup>1</sup> used excessive force on him following a fight between plaintiff and  
21 fellow inmate Scott Jones on April 18, 2012 at the King County Correctional Facility ("KCCF")  
22 in Seattle. Dkt. # 12 at 1; Dkt. # 20 (Pl. Opp.) at 1. Plaintiff also alleges that defendants and  
23 "other King County employees" failed to provide adequate medical attention for injuries that  
24 plaintiff sustained during this incident. Dkt. # 20 at 1. Plaintiff originally brought this action

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26 <sup>1</sup> Major Todd Clark ("Clark"), Sergeant Michael Allen ("Allen"), and Corrections Officers David  
DeMoss, Jeremy Keisler and Randall Cross.

1 against the officers' wives and multiple "John Doe" and "Jane Doe" defendants; however,  
2 plaintiff has conceded that defendant Todd Clark, the officers' wives, and the "Doe" defendants  
3 should be dismissed, and they are all dismissed with prejudice.

4 The Court finds that plaintiff has admitted to all of the requests for admissions ("RFAs")  
5 to which plaintiff failed to respond, Dkt. # 13-1 (Kolde Decl. Exh. A); except for defendants'  
6 RFA that officers used lawful force against him, as this RFA called for a legal conclusion.

7 The Court grants defendants summary judgment on all of plaintiff's federal and state law  
8 claims with the exception of plaintiff's excessive force claim arising under the Eighth  
9 Amendment. The Eighth Amendment prohibits prison officials from using "excessive physical  
10 force against prisoners." Farmer v. Brennan, 511 U.S. 825, 832 (1994). When a prisoner brings  
11 an Eighth Amendment excessive force claim, the "core judicial inquiry" is whether defendants  
12 applied force "in a good-faith effort to maintain or restore discipline," or "maliciously and  
13 sadistically to cause harm." Hudson v. McMillian, 503 U.S. 1, 7 (1992); see also Whitley v.  
14 Albers, 475 U.S. 312, 319, (1986) (requiring plaintiff to prove "the unnecessary and wanton  
15 infliction of pain"). While this is a very close call, plaintiff's version of the facts creates a triable  
16 issue under this standard, as he claims: (a) that the fight had clearly ended when officers attacked  
17 him from behind and put all of their weight on him (ultimately injuring his hand); (b) that  
18 officers did not give plaintiff the opportunity to comply with their orders to submit before  
19 attacking him; (c) that officers elbowed plaintiff despite him not resisting; and (d) that the  
20 ranking officer on the scene (defendant Allen) told plaintiff when he complained, "that's what  
21 you get when you fight in my jail." Dkt. # 21 (White Decl.). The remaining defendants are not  
22 entitled to qualified immunity, as the Hudson standard was well-established at the time of the  
23 incident, see Martinez v. Stanford, 323 F.3d 1178, 1184 (9th Cir. 2003); and an officer in  
24 defendants' position would not have reasonably believed that the conduct alleged by plaintiff  
25 was a good-faith effort to maintain or restore discipline.

1 For all of the foregoing reasons, the Court GRANTS IN PART defendants' motion for  
2 summary judgment. Dkt. # 12. Defendants Todd Clark, Jane Doe Clark, John Does 1-3, Jane  
3 Does 1-3, and the wives of the remaining officers are DISMISSED from this action. Defendants  
4 are entitled to summary judgment on all of plaintiff's claims except for his excessive force claim  
5 arising under the Eighth Amendment, which may proceed to trial.

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7 DATED this 30th day of April, 2015.  
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10 Robert S. Lasnik

11 United States District Judge  
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