UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION

MICHAEL JAMES,	)	
	)	
Plaintiff,	)	1:21-CV-00137-DCLC-CHS
	)	
v.	)	
	)	
CITY OF CHATTANOOGA, et al.	)	
	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER

Plaintiff Michael James brought this action against the City of Chattanooga and officers of the Chattanooga Police Department alleging claims under 42 U.S.C. § 1983 and Tennessee state law arising out of his May 6, 2020 arrest. Defendants the City of Chattanooga (the "City"), Officers Lance Hughes and Amanda Baldwin, and Sergeants Jonathan Watkins, Patrick Hubbard, and Christopher Palmer move for summary judgment under Federal Rule of Civil Procedure 56 [Doc. 25] as to all claims in James' First Amended Complaint [Doc. 17]. For the reasons stated below, Defendants' motion is **GRANTED**. The Court **REMANDS** James' state-law claims, Counts Three through Nine of the Amended Complaint [Doc. 17], to Hamilton County Circuit Court for further proceedings.

I. BACKGROUND

This case began in the pre-dawn hours of May 6, 2020, when two calls were made to 911 dispatch in Chattanooga, Tennessee. The first call came from Plaintiff, Michael James, an African-American male, who reported that he had been driving along Fourth Avenue in Chattanooga when a black Nissan Xterra came up fast behind him [Doc. 31-1, ¶ 4; Doc. 34-1, 69:7–10]. He claimed

the Xterra darted around him, almost hitting his car, then continued driving down the residential lane [Doc. 34-1, 71:20–72:8]. He pursued the car, and when James caught it at the next traffic light, he reported he saw a young female passenger flash him a crude gesture, which according to James, he returned in kind [*id.* at 72:23–73:17]. When the Xterra made a U-turn and began down East 24th Street, James gave pursuit [*id.* at 73:18–74:25]. Soon thereafter, while James was pursuing the Xterra, the driver of the Xterra lost control and wrecked the car. James then called 911 to report the wreck and observed the Xterra's occupants dash out of the car and run into a nearby residence on E. 25th Street [Doc. 32, ¶ 7]. James remained on the phone with the 911 operator until the police arrived [Doc. 31-1, ¶ 17].

The second call to 911 dispatch came in about the same time and was from one of the occupants in the Xterra [Doc. 32, ¶ 2; Doc. 30, 911 call from Juvenile]. In this 911 call, one of the juveniles reported that a man had been pursuing them down the street, that this man had a gun and that they were afraid that he "was going to shoot them" [Doc. 30, 911 call from Juvenile]. She reported that this man was outside of the house waiting for them to come out [*id.*]. The operator advised them to close the door and wait for the arrival of the officers.

Officers Ayres and Baldwin arrived on the scene, followed by Officer Hughes [Doc. 25-7, pg. 4]. Officer Hughes, standing on the home's porch, ordered the other officers to detain James, at which point they placed James in handcuffs and read him his *Miranda* warnings [Doc. 23, L. Hughes 1 at 1:33–1:41; Doc.23, N. Ayres 1 at 1:33–3:45]. Hughes' body cam footage shows him escorting the two females to the wrecked Xterra, where he asked them about the gun they reported seeing [Doc. 23, L. Hughes 1 at 3:46–7:23]. The passenger, an African-American female, told Hughes that she heard her friend, the female driver, exclaim James had a gun [*id.* at 7:23–7:31]. The driver, who was a White, fourteen-year-old female, corroborated that. She told Officer

Hughes that James "showed" her and the passenger a gun [*id.* at 7:32–7:44]. Both confirmed that James had "picked up a gun and waved it at [them] out the window" [*id.* at 7:44–7:47]. The driver described the gun as "long" but that it could be held in "just one [hand]—it was . . . small" [*id* at 13:09–13:58; N. Ayres 1 at 13:06–13:52].

Meanwhile, Officers Ayres and Baldwin questioned James about his story. When they asked James where he was headed and from where he was coming when this happened, James claimed he was "going about [his] business" and "going back to [his] house" [Doc. 23, N. Ayres 1 at 3:45–5:04]. They continued to press for more details when James appeared not to want to answer their questions, responding, for example, "what do you mean where I'm heading to?" and "what do you mean from where?" [*id.* at 4:25–4:47]. Throughout this exchange, James remained handcuffed. At one point, he accused the two females of lying. He protested, "whatever lie they're trying to come up with, I don't know why I'm in handcuffs. I reported a car driving erratically." When Officer Ayres asked to search his car, James appeared to ignore the question, asking instead if his car could be turned off [*id.* at 6:47–7:25]. James refused to consent to the officers' search of his vehicle [Doc. 32, ¶ 18].

An officer asked James, "if . . . you're behind them, how do they almost hit you?" James responded, "Sir, I just told you, I already told the other officer, I said we were coming down this road down here and I witnessed them crash into that building right there." The officer asked him again. James replied, "They almost hit me on that road up there. They cut right in front of my vehicle . . . at the stop light" [Doc. 23, L. Hughes 1 at 14:24–14:58]. The officer continued, "If you've done nothing wrong, then why are you having such a hard time explaining this to me when I'm trying to piece the story together?" James replied, "Well first of all, I'm in handcuffs being treated like a criminal." Officer Hughes then intervened. Hughes pulled James aside and asked

him to "start from the beginning." But when James continued to talk over Hughes, Hughes stopped talking with him [*Id.* at 16:27–18:52].

Officer Hughes returned to question the two females because he was concerned that the driver of the Xterra might be "making stories up" [Doc. 23, L. Hughes 1 at 16:00]. Hughes confronted the driver about whether she was lying about any part of her story. She reiterated that she had seen James with a firearm [*Id.* at 31:38–32:30]. The driver's mother then arrived on the scene. An officer then asked her to speak to the two females and judge whether she thought they were telling the truth. The driver's mother confronted both her daughter and her friend. Both insisted that James had a gun, and that his pursuit caused their wreck. The mother expressed to Officer Baldwin that, in her opinion, both juveniles were being truthful [Doc. 23, A. Baldwin 1 at 51:05–52:45].

Officer Hughes made the decision to arrest James for felony aggravated assault based upon the eyewitness accounts of the two juveniles. Officer Hughes later recalled discussing with fellow officers whether they had any legal basis for a search of James' car [Doc. 34-2, 39:9–40:14]. Officers reached a "collective decision" that they did [*id.* at 49:8–50:14]. Officer Baldwin searched the trunk and located a Beretta pistol in a carrying case in a backpack [Doc. 32, ¶ 23; Doc. 23, A. Baldwin 2 at 9:45–10:45]. Officers drove James to the Hamilton County jail and charged him with aggravated assault [Doc. 32, ¶ 29]. These charges were later dismissed in state court [Doc. 31-1 ¶ 36].

James brought this action in the Circuit Court for Hamilton County asserting federal civil rights claims under 42 U.S.C. § 1983 and various state law tort claims [Doc. 17]. In Count One, James alleges a § 1983 claim for a violation of the Fourth Amendment. Specifically, he claims that the initial "handcuffing of [him], [his initial] detention . . . , [his] arrest . . . , and [his]

imprisonment without a warrant constituted an unreasonable search and seizure . . . [and] the use of excessive force against [him] . . . [was] a deprivation of his liberty without due process of law." [Doc. 17, ¶ 137]. He also claims the strip search and body cavity search at the jail were unreasonable under the Fourth Amendment [Doc. 17, ¶¶ 138]. He contends that the search of his vehicle that resulted in the discovery of the firearm was an unreasonable search and also in violation of the Fourth Amendment [Doc. 17, ¶¶ 139-41]. He names all defendants in this Count. For his claim against the City in Count One, he claims the officers' actions were either a part of the City's policy or their alleged "unlawful actions were a result of a lack of training by the City of Chattanooga." [Doc. 17, ¶¶ 147-48].

In Count Two, James claims Officer Hughes violated the Equal Protection Clause when he declined to press charges against the 14-year-old juvenile female, "a [W]hite person whose violations of the law were undisputed…but [instead Officer Hughes] . . . pursued baseless criminal charges against . . . [him], an African American male." [Doc. 17, ¶ 158]. He claims here as well that this Equal Protection violation was either a part of City policy or alternatively a "result of a lack of training by the City of Chattanooga" [Doc. 17, ¶¶ 161-62].

Counts Three through Nine in the Amended Complaint are his state law claims: count three alleges false imprisonment [Doc. 17, ¶¶ 167-78]; count four, false arrest [Doc. 17, ¶¶ 179-88]; count five, common law battery [Doc. 17, ¶¶ 189-200]; count six, common law assault [Doc. 17, ¶¶ 201-09]; count seven, malicious prosecution [Doc. 17, ¶¶ 210-26]; count eight, intentional infliction of emotional distress [Doc. 17, ¶¶ 227-234]; and count nine, common law conversion [Doc. 17, ¶¶ 235-39].

Defendants removed the case from Hamilton County Circuit Court under 28 U.S.C. § 1441 to this Court, properly invoking this Court's jurisdiction under 28 U.S.C. §1331 [Doc. 1].[1] Defendants now move for summary judgment [Doc. 25].

II. LEGAL STANDARD

Summary judgment is proper where "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed.R.Civ.P. 56(c). In ruling on a motion for summary judgment, the Court must generally view the facts contained in the record in the light most favorable to the nonmoving party. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). Where there is a videotape depicting the events at issue, however, the Court must view the facts in the light depicted by the videotape. *Scott v. Harris*, 550 U.S. 372, 380–81 (2007).

The moving party bears the initial burden of demonstrating that no genuine issue of material fact exists. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The burden then shifts to the nonmoving party to "come forward with significant probative evidence showing that a genuine issue exists for trial." *McKinley v. Bowlen*, 8 F. App'x 488, 491 (6th Cir. 2001). A mere scintilla of evidence is not enough; the Court must determine whether a fair-minded jury could return a verdict in favor of the nonmoving party based on the record. *Id*.

III. DISCUSSION

A. Count One – James' § 1983 Claims against all Defendants

The Court begins with Count One and James' § 1983 claims against the Defendants. James claims that Defendants violated the Fourth Amendment in a multitude of ways. He challenges his

[1] The Court has jurisdiction over the state-law claims under 28 U.S.C. § 1367.

initial detention, his arrest, the search of his car, the level of force used to arrest him, and the strip search at the jail. He claims the City is liable because either the officers were following a policy of the City when they violated his rights or, in the alternative, the City failed to adequately train the officers.

1. Initial detention

James first challenges his initial detention when the officers arrived on the scene. When the officers first arrived upon receiving the two 911 calls, Officer Hughes ordered the other officers to handcuff James. James remained detained as officers questioned him, the juveniles, and the mother. James claims that his detention, when the officers had not obtained a warrant, was unconstitutional.

"A police officer may conduct a brief, investigatory stop if he has 'reasonable suspicion' of a person's involvement in criminal activity—past, present, or future. *United States v. Moberly*, 861 F. App'x 27, 29 (6th Cir. 2021) (citing *Robinson v. Howes*, 663 F.3d 819, 828 (6th Cir. 2011)). In making that determination, the Court looks to the totality of the circumstances. *Joshua v. DeWitt*, 341 F.3d 430, 443 (6th Cir. 2003). "Reasonable suspicion requires 'specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant' the continued detention." *Moberly*, 861 F. App'x at 29 (quoting *Terry v. Ohio*, 392 U.S. 1, 21 (1968)).

James claims officers had no reasonable basis to detain him initially. *Moberly* is instructive. In *Moberly*, law enforcement received a tip from an identifiable witness who gave "reasonably detailed information" about the offense. *Id.* at 30. The witness advised 911 of her whereabouts and spoke with officers at the scene. "Although she revised her initial report, the caller first advised seeing a handgun . . . ." *Id.* Moberly claimed the circumstances were not

sufficient to provide reasonable suspicion for his initial detention. In fact, Moberly identified inconsistencies in what the caller described as the suspect and the clothing he was wearing. And, he noted the officer commented that the caller had "mental issues." *Id*. He claimed that all these factors showed that "the initial 911 tip was not 'reliable in its assertion of illegality." *Id.* (citing *Florida v. J.L.*, 529 U.S. 266, 272 (2000)).

The Sixth Circuit disagreed, observing that "the touchstone of the Fourth Amendment is reasonableness, not perfection." *Id.* (citations omitted). It found that "the facts reported by the caller and those observed at the scene, though not an exact match, were similar enough for the officer reasonably to believe that Moberly was the suspect who the caller had said was potentially armed . . . ." *Id.*

James' challenge to his initial detention is not unlike that made in *Moberly.* James claims the juveniles' account of the events was unreliable, especially in light of his denial. But the issue is not the reliability of James' denial, but whether the officer had "specific and articulable facts which, taken together with rational inferences from those facts to reasonably warrant" their decision to detain him initially. Under these facts, the answer is yes. Officers were responding to a 911 call that claimed a man who was standing outside the residence was armed and had been "trying to shoot [the callers]" [Doc. 30, 911 call from Juvenile]. When officers arrived, James was waiting outside the residence in the street [Doc. 23, L. Hughes 1 at 1:33–1:40]. At this point, Officers had enough specific and articulable facts pointing to a potential armed assailant to handcuff James while they continued investigating. Both juveniles again confirmed James had waved a gun out the window at them [*id.* at 7:44–7:47]. When James stopped answering Hughes' questions and continued to talk over him, Hughes quite reasonably confined James to a police car [*Id.* at 16:27–18:52]. When the driver's mother arrived, she also confronted the juveniles. They

confirmed their story to her as well, and she vouched for their credibility [Doc. 23, A. Baldwin 1 at 51:05–52:45]. Combined with James' defensive posture during the officer's interrogation of him [Doc. 23, L. Hughes 1 at 14:24–14:58, 16:27–18:52; Doc. 23, N. Ayres 1 at 3:45–7:25], the totality of the circumstances gave the officers a reason to believe James had a firearm and that detaining him would protect their safety and that of the public. There was nothing unconstitutional with James' initial detention.

2. The arrest without a warrant

James next claims that officers violated the Fourth Amendment when they arrested him for aggravated assault without probable cause. Arrests under the Fourth Amendment must generally be supported by probable cause. *Dibrell v. City of Knoxville*, 984 F.3d 1156, 1158 (6th Cir. 2021). A claim under § 1983 will fail if a court finds that probable cause existed to support an arrest and institution of legal process. *See D.C. v. Wesby*, 138 S. Ct. 577, 589 (2018); *Dibrell* 984 F.3d at 1164.

Law enforcement officers are entitled to credit eyewitness statements unless the witness is uncorroborated and the officer has reason to believe that the eyewitness "was lying, did not accurately describe what he had seen, or was in some fashion mistaken regarding his recollection." *Wesley v. Campbell*, 779 F.3d 421, 429–30 (6th Cir. 2015) (quoting *Ahlers v. Schebil*, 188 F.3d 365, 370 (6th Cir. 1999)). In other words, the allegations of the eyewitness must be "reasonably trustworthy." *Logsdon v. Hains*, 492 F.3d 334, 342 (6th Cir. 2007) (quoting *Beck v. State of Ohio*, 379 U.S. 89, 91 (1964). In this case, the due diligence by the officers during the course of their investigation established that. Two eyewitnesses specifically claimed James displayed a firearm at them and was chasing them down the street, which they claimed ultimately caused the wreck. They claimed he was waiting for them outside the residence [Doc. 30, 911 call from Juvenile].

Far from contradicting each other, each witness' story corroborated the other. When officers arrived, they found James waiting outside the residence and they found the wrecked Xterra [Doc. 23, L. Hughes 1 at 1:33–1:40].

James argues that no reasonable officer could have credited the driver's story because she was in a "whole heap of trouble" and therefore had reason to lie [Doc. 31, pg. 17]. But just having a reason to lie does not mean that the two witnesses were lying. Officers approached their investigation with a level of skepticism about the story of the two eyewitnesses. When officers confronted them, the juveniles stuck to their story. Officers even solicited the assistance of the driver's mother, [Doc. 23, A. Baldwin 1 at 50:07–50:30], and she confronted them as well. After listening to her daughter and her juvenile friend, both of whom reaffirmed their story that James had displayed a gun during their encounter on the street, the mother vouched for them [*Id.* at 51:05–52:45].

Moreover, the driver's story remained consistent throughout the May 6 incident. Beginning with her 911 call, she reported that the man following them "had a gun" and was trying to shoot them [Doc. 30, Phone from Juveniles at 0:37–0:40]. She later confirmed to Officer Hughes that she had seen a gun and provided a description [Doc. 23 L. Hughes 1 at 7:11–7:51, 13:10–13:29]. When Hughes later confronted her asking her if she was lying about any part of her story, she confirmed that she saw a gun, or something that "[James] was raising" that looked like a gun [*id.* at 31:53–32:40]. Thus, the driver's story was "reasonably trustworthy," and officers were entitled to rely on it. Based on trustworthy eyewitness statements endorsed by the mother, officers could reasonably infer that James likely had committed an aggravated assault with a firearm.

James claims this case is like that in *Wesley v. Campbell* where officers found the account of an alleged victim to be too unreliable for officers to rely upon to make an arrest [Doc. 31, pgs.

16–19] (citing *Wesley v. Campbell,* 779 F.3d at 435). In *Wesley*, a student claimed a school counselor had sexually assaulted him. But his allegations were directly contradicted by two others the student claimed were victims as well. The circumstances of the alleged assault were such that any assault would almost certainly have been observed by others in or near the counselor's office. It was not. And, the student initially claimed the counsel had only touched him through his clothes, but later claimed that the counselor had sodomized him on numerous prior occasions. *Id.* at 424–25, 435–37. The sheer implausibility of the student's story, coupled with a history of behavioral problems of the student, rendered the assault highly improbable. *Id.* Here, by contrast, the only doubt concerning the driver's credibility consisted of her incentive to lie to get out of trouble, which police effectively ruled out, and James' persistent denial.[2] The driver's story was not facially implausible, nor was it contradicted by independent witnesses or inconsistent statements by the driver herself. *Wesley* is just a factually different case.

Nor can James rely on *Logsdon* [*See* Doc. 31, pg. 20]. In that case, an officer told an eyewitness to "tell it to the judge" instead of listening to potentially exculpatory eyewitnesses at the scene. *Logsdon*, 492 F.3d at 342. Officers consciously avoided learning facts that might preclude an arrest. *Id.* Here, officers' conduct could not be more different. Faced with witnesses they at first had reason to doubt, officers challenged them again and again [Doc. 23, L. Hughes 1 at 7:23–7:31, 13:09–13:58, 31:38–32:30; Doc. 23, A. Baldwin 1 at 51:05–52:45]. The witnesses stuck to their stories. Officers sought an independent judgment that these witnesses were believable, and they obtained it [Doc. 23, A. Baldwin 1 at 51:05–52:45]. Officers had probable

[2] Officers are not required to believe a suspect's denial of guilt. *Criss v. City of Kent*, 867 F.2d 259, 263 (6th Cir. 1988). Thus, there was nothing improper about believing the juveniles' stories while discounting James'. Even if officers had afforded some weight to James' denial, however, the juveniles were not clearly lying. James' denials therefore did not defeat probable cause.

cause in this case.

3. The search of James' car

James also challenges the search of his car without a warrant. After the officers arrested James for felony aggravated assault, they searched his vehicle without a warrant and without his consent. Generally, officers need a warrant to conduct a search. *Katz v. United States*, 389 U.S. 347, 357 (1967). But the law provides an exception for automobiles under certain circumstances. The automobile exception to the warrant requirement permits searches of vehicles if the search is supported by probable cause that the search will uncover evidence or contraband in the vehicle. *Maryland v. Dyson*, 527 U.S. 465, 466 (2013). Probable cause exists when the facts known to a police officer establish a "fair probability" that a search will bear fruit. *Smith v. Thornburg*, 136 F.3d 1070, 1074–75 (6th Cir. 1998). A fair probability requires "less than prima facie proof, but more than mere suspicion." *United States v. Bennett*, 905 F.2d 931, 934 (6th Cir. 1990). Rather than scrutinizing each fact in isolation, courts must examine the totality of the circumstances. *Wesby*, 138 S. Ct. at 588 (quoting *Maryland v. Pringle*, 540 U.S. 366, 372, n. 2 (2003)).

In this case, officers had arrested James for aggravated assault. They had proceeded on the statements of two juvenile eyewitnesses who claimed to have witnessed James waving a firearm out his car window at them [Doc. 23, L. Hughes 1 at 7:32–7:47]. Because officers had probable cause to arrest James, the circumstances of the allegations support finding that the officers had probable cause to believe that James had possessed a firearm and that firearm was present in his vehicle.[3] Officers arrived soon after the calls to 911 dispatch. James was standing outside in the

[3] Defendants further assert that James' evasiveness contributed to probable cause. A suspect's evasiveness in answering law enforcement's questions is indeed relevant to probable cause. *Thames v. City of Westland*, 796 Fed. App'x 251, 263 (6th Cir. 2019) (explaining that the denials of an abortion-clinic protester accused of a bomb threat were relevant to a probable cause determination because the protester refused to reveal the true content of statements alleged to be

street in front of the residence where the juveniles had fled [Doc. 23, L. Hughes 1 at 1:33–1:40]. The temporal proximity between the 911 calls and the arrival of the officers supports finding that if James had possessed a firearm it would still be in his vehicle as he had stopped when the Xterra wrecked.

This temporal proximity, however, was not so close that officers were limited to searching the passenger compartment. Officers responded to the 911 calls after enough time for the juveniles to enter a nearby home [Doc. 34-2, 22:23–24:17]. This lapse of time was more than enough for a gun to find its way into the trunk. James emphasizes that the recording of his 911 call contains no background noise [Doc. 31, pg. 3]. He insists there was no way he could have remained on the phone and stowed a gun at the same time [Doc. 31, pg. 13]. Yet even assuming that officers could be charged with such detailed knowledge of the contents of a 911 call they did not hear, the *absence* of background noise establishes nothing about the location of the gun, and it is not so unbelievable that a suspect credibly accused of assault might take advantage of a brief window to stash evidence. Officers' probable cause extended to the trunk.

In any event, officers may conduct a search incident to a lawful arrest when it is "reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle." *Arizona v. Gant*, 556 U.S. 332, 343 (2009). That is the case here. Officers had the two specific eyewitnesses who identified James as having pointed a gun at them; their stories were consistent and corroborated each other; and they had a description of the firearm. Nothing in their story appeared to be inconsistent or would lead officers to reasonably believe they were lying about their accusations.

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threatening); *see also Wesby*, 138 S. Ct. at 587 (holding that officers had probable cause to arrest partygoers for knowing unlawful entry of a home where partygoers engaged in "debauchery" inconsistent with lawful presence, fled on sight of police, and gave "vague or implausible" responses as to who invited them).

Moreover, James acknowledged that he had encountered the Xterra and pursued it down E. 24th Street prior to it crashing in the front yard of a home – consistent with the story of the juveniles [Doc. 23 N. Ayres 1 at 8:30–9:37]. It was reasonable for the officers to believe that a firearm might be found in James' vehicle. Thus, the officers' search of James' car was not in violation of the Fourth Amendment.[4]

4. Excessive force claim

The Fourth Amendment protects against police use of excessive force when arresting a suspect. *Fox v. DeSoto*, 489 F.3d 227, 236 (6th Cir. 2007). Force is not excessive if it is "objectively reasonable" under the circumstances. *Id.* at 237.

Here, the record shows that officers handcuffed James while responding to a call indicating a possible armed assailant [*See, e.g.*, Doc. 25-1, ⁋ 6; Doc. 25-7, 4; Doc. 34-2, 27:24]. The record further reveals that James sat handcuffed in the back of a police car for some duration [*See, e.g.*, Doc. 23, L. Hughes 1 at 25:06–25:16, 40:52–44:13]. Hughes removed the handcuffs when he and James arrived at Hamilton County jail [Doc. 23, L. Hughes 3 at 33:55–38:09]. James raises no argument and points to no facts demonstrating an objectively unreasonable or clearly excessive level of force to effectuate his arrest. This claim is dismissed.

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[4] The search was also a valid inventory search. Police may search a vehicle over which they have lawful custody if such searches are authorized by "standard criteria . . . or established routine." *United States v. Alexander*, 954 F.3d 910, 915, (6th Cir. 2020) (quoting *United States v. Hockenberry*, 730 F.3d 645, 659 (6th Cir. 2013)). Officers need not conduct these searches in "mechanical 'all or nothing fashion,'" but they may not exercise "uncanalized discretion." *Florida v. Wells*, 495 U.S. 1, 4 (1990). Here, Chattanooga Police Department Policy OPS-41 provides that officers may conduct a vehicle inventory without a warrant or probable cause when "[t]he vehicle has been lawfully impounded pursuant to the arrest of the driver." The policy further restrains officers' discretion by instructing where to search, which containers to open, and which items the driver must be asked to remove. As explained above, James was lawfully arrested at the time of the search, so the department's established procedure authorized an inventory search.

5. Strip search at the jail

James also claimed in his amended complaint that the full strip search and body cavity search at the jail also violated his Fourth Amendment rights because the searches were performed without a search warrant. James did not develop or pursue this claim any further at the summary judgment phase.

In any event, the Supreme Court "confronted whether the Fourth Amendment required jail officials to have reasonable suspicion before strip searching new detainees who were arrested for minor offenses and being committed to the jail's general population." *Sumpter v. Wayne Cty*., 868 F.3d 473, 482 (6th Cir. 2017) (citing *Florence v. Board of Chosen Freeholders of County of Burlington*, 566 U.S. 318, 326 (2012)). "In addressing this type of constitutional claim courts must defer to the judgment of correctional officials unless the record contains substantial evidence showing their policies are an unnecessary or unjustified response to problems of jail security." *Florence,* 566 U.S. at 322–23. In *Sumpter*, the Sixth Circuit found the petitioner's claim failed because "he did not produce sufficient evidence to show the jail's strip-search policy was unnecessary or an unjustified response to jail security." *Id.* at 330. The same is the case here. James has not addressed this issue at all.

6. Claims against the City of Chattanooga

Since the Court has found the officers have not violated the Fourth Amendment in their dealings with James, his claims against the City necessarily fail. In the absence of "an underlying constitutional violation," a municipality cannot be liable under § 1983. *Griffith v. Franklin Cty.*, 975 F.3d 554, 581 (6th Cir. 2020). Accordingly, James' § 1983 claims against the City of Chattanooga are dismissed.

B. Count Two – James' Equal Protection claim

The Equal Protection Clause forbids the exercise of prosecutorial discretion with the "forbidden aim" of intentional discrimination against a suspect on the basis of "race, religion, or other arbitrary classification." *Gardenhire v. Schubert*, 205 F.3d 303, 319 (6th Cir. 2000). To establish such a selective enforcement claim, a plaintiff must establish that: (1) an official singled out an individual for enforcement despite not prosecuting similarly situated persons, (2) the official initiated the prosecution with discriminatory purpose, and (3) the prosecution had "a discriminatory effect on the group the person belongs to." *Id.* (citing *United States v. Anderson*, 923 F.2d 450, 453 (6th Cir. 1991)). There is a strong presumption that state officials exercise their discretion lawfully, and clear evidence is required to rebut the presumption. *Stemler v. City of Florence*, 126 F.3d 856, 873 (6th Cir. 1997). Ordinary equal protection standards govern selective prosecution claims. *Wayte v. United States*, 470 U.S. 598, 608 (1985). Accordingly, a plaintiff must be similarly situated to a comparator in "all relevant respects." *Hardy v. Fisher*, Case No. 3:20-cv-00662, 2022 WL 3040891 (M.D. Tenn. Aug. 1, 2022) (quoting *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992); *United States v. Green*, 654 F.3d 637, 651 (6th Cir. 2011)).

Here, James is not similarly situated to the 14-year-old juvenile in "all relevant respects." *Id.* The Chattanooga Police Department affords juveniles greater leniency than adults. Section OPS-42 of the Department's Policy Manual governing arrests provides that although decisions to arrest are generally the province of the court prosecutor, an officer may decline to arrest a suspect who is a "juvenile offender whose wrongdoings would best be handled through informal warnings, advice, etc., and a talk with the parents" [Doc. 25-14, 6]. Under this policy, an adult offender would naturally be arrested, all else being equal, under circumstances where a juvenile offender may not. Further, Officer Hughes' affidavit states that his actions at the scene of the arrest

complied with this policy [Doc. 25-6, ¶ 20], and he deferred to the driver's mother in deciding not to prosecute her [Doc. 34-2, 57:3–15]. Moreover, the nature of the charges each faced are materially different. James was facing a charge of felony aggravated assault while the juvenile driver faced a joyriding charge. Not similar offenses at all. Because James and the driver are not similarly situated in all other relevant respects, James' fails to show that police treated him differently than a similarly situated person.

There is also insufficient record evidence of discriminatory purpose to raise an issue for trial. Discriminatory purpose consists of official action "because of, not merely in spite of" its impact on a defined group. *Farm Labor Org. Comm. v. Ohio State Highway Patrol*, 308 F.3d 523, 534 (6th Cir. 2002) (internal quotations omitted) (quoting *Wayte*, 470 U.S. at 610). Because direct evidence of discrimination "seldom exists," a plaintiff may offer statistical or circumstantial evidence. *United States v. Avery*, 137 F.3d 343, 355 (6th Cir. 1997); *see also Bennett v. City of Eastpointe*, 410 F.3d 810, 831–32 (6th Cir. 2005).

Here, James characterizes officers as straining, because of race, to absolve the White juvenile driver of responsibility for the joyriding and crash while leaping to inculpate James, an African-American man. The record does not support this characterization. James asserts that Officer Hughes "coach[ed]" the driver to make serious allegations by recasting the driver's statement that James "showed" a gun as having "waved the gun out the window" [Doc. 31; s*ee* Doc. 23, L. Hughes 1 at 7:11–7:48]. That is simply not supported by the record. The officer asked the juveniles whether James had waved the gun out the window and they confirmed that he had.

James argues that the juvenile driver's story was so incredible that only a person motivated partly by racial animus could have believed it. But such is not the case. As already discussed, the officers were diligent to investigate the allegations. Even though James denied he had pointed a

gun at the juveniles, that does not make their allegation against him racially motivated. And, contrary to James' claim, the driver's description of the gun is not so flatly self-contradictory that any credence of her story indicated bias [*See* Doc. 23, L. Hughes 1 at 13:12–13:56; N. Ayres 1 at 13:06–13:52]. The driver described the gun first as "long," then later as "small," but this shift came only after officers sought to clarify whether the gun was a pistol or a rifle [*Id.*]. Pistols are generally smaller than rifles, yet one can credibly describe a "long" pistol or a "short" rifle. In the Court's "plenary review" of the video footage, therefore, officers' belief in the driver's description raises no reasonable inference of discriminatory purpose.[5] *Thames*, 796 Fed. App'x at 260 (citing *Scott*, 550 U.S. at 380–81). Accordingly, the Court grants Defendants summary judgment as to James' equal protection claim.

C. Counts Three through Nine

The remaining Counts Three through Nine in James' Amended Complaint are his state-law claims. The Court's basis for jurisdiction over these state-law claims is supplemental jurisdiction. A district court "may decline to exercise supplemental jurisdiction" if it "has dismissed all claims over which it has original jurisdiction[.]" 28 U.S.C. § 1367(c)(3); see also *Ford v. Frame*, 3 F. App'x 316, 318 (6th Cir. 2001) ("[D]istrict courts possess broad discretion in determining whether to retain supplemental jurisdiction over state claims once all federal claims are dismissed."). "In the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine—judicial economy, convenience, fairness, and comity—will point toward declining to exercise jurisdiction over the remaining state-law claims." *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988); see

[5] Because James fails to demonstrate an equal protection violation, the Court does not assess James' arguments concerning qualified immunity.

also *Moon v. Harrison Piping Supply*, 465 F.3d 719, 728 (6th Cir. 2006) ("[A] federal court that has dismissed a plaintiff's federal-law claims should not ordinarily reach the plaintiff's state-law claims.").

In this case, James has asserted a myriad of state-law claims. The Court finds no reason to continue to exercise supplemental jurisdiction over the remaining of these state law claims. While the Court could exercise discretion in resolving all of these claims, the Court will decline to do so and will remand Counts Three through Nine back to state court for resolution.

IV. CONCLUSION

For the foregoing reasons, Defendants' Motion for Summary Judgment [Doc. 25] is **GRANTED** and all James' claims in Counts One and Two are **DISMISSED WITH PREJUDICE**. The Court **REMANDS** Counts Three through Nine of the First Amended Complaint [Doc. 17] to Hamilton County Circuit Court for further proceedings.

A separate judgment shall enter.

SO ORDERED:

s/Clifton L. Corker
United States District Judge