NONPRECEDENTIAL DISPOSITION
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United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Argued April 1, 2025
Decided April 21, 2025

Before

DIANE S. SYKES, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 24-2812

JULIA CAVE and LARRY ANTHANY GREER,
Plaintiffs-Appellees,

v.

COLIN VALENTI and DEMARREO JOHNSON,
Defendants-Appellants.

Appeal from the United States District Court for the Central District of Illinois.

No. 3:21-cv-03215-CRL-KLM

Colleen R. Lawless,
Judge.

O R D E R

Two police officers appeal the district court's denial of qualified immunity for various alleged violations of the Fourth Amendment. To say the least, this appeal is a mess. We have had a very difficult time discerning what claims involving what parties are properly before us, leaving us half inclined to dismiss the appeal under Federal Rule of Appellate Procedure 28(a)(8) for deficient briefing by both parties. Having spent considerable time with the record, however, we find ourselves, if only barely, able to conclude that the district court properly resolved some but not all issues presented by the officers. So we affirm in part and reverse in part.

I

A. Factual Background

Because this appeal comes to us from the district court's denial of qualified immunity, we accept the "facts and reasonable inferences favorable to the plaintiff or the facts assumed by the district court's decision" to the extent that they are not "utterly discredited" by the officers' body camera footage. *Ferguson v. McDonough*, 13 F.4th 574, 580 (7th Cir. 2021) (quoting *Gant v. Hartman*, 924 F.3d 445, 449 (7th Cir. 2019)).

In October 2019 numerous Springfield police officers arrived at the home of Julia Cave and Larry Greer, Jr. after their daughter's boyfriend called 911 to report that her parents were not letting her leave the home. The police arrived to chaos. Five or six people stood outside the Greer home screaming and swearing. Greer, Jr. and his daughter's boyfriend appeared on the verge of a fist fight. After an unsuccessful attempt to separate the two, an officer arrested both of them.

While multiple police officers tried to prevent the situation from becoming uncontrollable, Cave and Greer Jr.'s 16-year-old son, Larry Anthany Greer, began running from the front yard toward the house. Officers Demarreo Johnson and Colin Valenti, who had just arrived at the scene, chased Larry Anthany and pleaded with him to stop. Larry Anthany disregarded the instruction, entered his home, and began to shut the front door, with Officers Johnson and Valenti following behind. Officer Johnson then pushed open the Greer's front door, where he met Larry Anthany holding a baseball bat. While urging him to drop the bat, Officer Johnson pushed Larry Anthany toward and onto the couch in the family room, with Officer Valenti holding (but not deploying) a taser to Larrry Anthany's back while Officer Johnson handcuffed him.

Officer Valenti then exited the house. Officer Johnson remained inside where Larry Anthany continued his erratic behavior, swearing and demanding removal of the handcuffs so he could go beat up his sister's boyfriend. Officer Johnson told Larry Anthany that he would remove the handcuffs as soon as he calmed down. After a few minutes, Officer Johnson began to walk Larry Anthany outside to a squad car. All the while, Larry Anthany continued to level threats. When the overall situation eventually calmed, Officer Johnson released Larry Anthany.

Meanwhile, Julia Cave confronted her daughter's boyfriend in the front yard and began swearing and shouting. She urged her daughter to go inside the house and began to push her in that direction. Officer Valenti approached Cave, grabbed her hand to place her in handcuffs, and told her to relax, calm down, and stop moving. Cave struggled and

kept yelling, while others attempted to intervene in the handcuffing. By any measure, the scene was volatile and unpredictable.

After placing the handcuffs, Officer Valenti began walking Cave to his squad car, with Cave saying, "please get off of me, I have lupus. Stop it." Officer Valenti again told her to relax. But she remained distressed and screamed at him to "get off" her. Getting closer to the squad car, Cave demanded, "just let me go, I'll get in the car, you're hurting my wrists." She asked Officer Valenti to take the handcuffs off. When Officer Valenti then adjusted her handcuffs, Cave implored, "I said take them off, not tighten them up, stupid motherfucker." Officer Valenti placed Cave in the car and, after failed attempts to question her, left her alone to calm down. Ten minutes later, Officer Valenti removed the handcuffs and released her. Cave faced no criminal charges but later alleged that the handcuffing injured her wrists and triggered a lupus flare up.

B. Procedural History

Larry Greer, Jr., Larry Anthany Greer, and Julia Cave brought suit under 42 U.S.C. § 1983, alleging that the City of Springfield and various Springfield police officers violated their Fourth Amendment rights.

We commend the district court for the patience and care it took with what can only be described as a confused and muddled presentation by both parties. The confusion started at the outset of the litigation. The plaintiffs' complaint contained but a single count broadly alleging multiple violations of the Fourth Amendment in a series of bullet points. Even if not legally required, the better approach—one that brings substantial organization to a plaintiffs' complaint—is to allege each violation within its own count. But the plaintiffs were not the only ones who proceeded in a disorganized fashion. For its part, the defendant officers' motion for summary judgment did little more than recite boilerplate qualified immunity law, without going the next step and explaining how the law applied to the facts before the district court. Nobody was well served by the parties' poor presentation in the district court.

The district court did its best and, in the end, entered summary judgment for the officers and City on Greer, Jr.'s claim that he was arrested without probable cause but found the remaining claims—Officer Johnson's and Valenti's warrantless entry into the Greer residence, Officer Johnson's and Valenti's detainment of Larry Anthany, and Officer Valenti's detainment of Cave—as better resolved at trial.

Officers Johnson and Valenti then filed this interlocutory appeal, challenging the district court's denial of qualified immunity at summary judgment. See *Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985).

II

Much like their performance in the district court, the parties' presentation on appeal is lacking—so much so that we have had a difficult time understanding what we are being asked to resolve. At oral argument, counsel for the officers, albeit without much clarity, stated that Officers Valenti and Johnson seek qualified immunity for each claim against them. For their part, the plaintiffs countered that the officers either waived qualified immunity or that the facts, when viewed in the light most favorable to them, do not justify awarding the defense.

A. Waiver of Qualified Immunity

We begin with the procedural question: whether the officers waived qualified immunity for their warrantless entry into the Greer residence and detainments of Larry Anthany and Cave by failing to preserve the defense in the district court.

"As with other affirmative defenses upon which the defendants bear the burden of proof, the defense of qualified immunity may be deemed as waived if not properly and timely presented before the district court." *Walsh v. Mellas*, 837 F.2d 789, 799 (7th Cir. 1988) (citations omitted). In their summary judgment briefing in the district court, the officers devoted not a single word to the warrantless entry, nowhere saying, for example, that exigent circumstances permitted the entry or, at the very least, that qualified immunity shielded them from any liability on this aspect of the plaintiffs' claim. It is inexplicable why defense counsel altogether ignored the claim, leaving us hard pressed to find anything other than that they waived qualified immunity for that claim. See *Lane v. Structural Iron Workers Loc. No. 1 Pension Tr. Fund*, 74 F.4th 445, 450–51 (7th Cir. 2023) ("Except in truly exceptional circumstances … we do not reverse district courts for failing to address arguments they never heard." (citations omitted)). So we affirm the district court's denial of qualified immunity for the defendants on the plaintiffs' warrantless entry claim.

In doing so, we offer no view on the merits of the claim and leave open the possibility that the defendant-officers might successfully raise a qualified immunity defense against their warrantless entry at trial. See *Strand v. Minchuk*, 910 F.3d 909, 918 (7th Cir. 2018) (recognizing that a district court can determine whether a police officer is "entitled to qualified immunity as a matter of law" at trial).

Whether the officers waived qualified immunity on the claims challenging the handcuffing and temporary detentions of Larry Anthany and Cave is a closer question. No doubt the officers' argument on that point in their summary judgment memorandum was "underdeveloped" and "inexpertly" raised. *Hernandez v. Cook County Sheriff's Off.*,

634 F.3d 906, 913–14 (7th Cir. 2011). But to deem a defense of qualified immunity waived, we have generally required more than poor briefing. See *id.* at 914 ("While we do not condone the defendants' failure to present their argument fully at what they must have known would be a critical moment in the litigation, as a matter of law their oversight in this case does not amount to a waiver."). We examine, for example, whether a defendant's summary judgment memorandum "supplied adequate notice" of the qualified immunity defense "to the plaintiffs and caused them no prejudice." *Id.* at 913; see *White v. Stanley*, 745 F.3d 237, 239 (7th Cir. 2014) (examining notice and prejudice to opposing party when reversing district court's decision that defendant waived qualified immunity).

Assessed against this backdrop, we conclude that the officers' summary judgment memorandum—specifically, its express contention that no clearly established law prevented the officers from detaining individuals in the chaotic situation they faced at the Greer residence—sufficiently raised qualified immunity (even if just barely) for the plaintiffs' claims arising from Larry Anthany's and Cave's detainments, including any allegations of excessive force accompanying the detentions.

Indeed, in their own summary judgment briefing, the plaintiffs themselves acknowledged the assertion of qualified immunity on these aspects of their claims and offered arguments as to why the defense did not apply. Cf. *White*, 745 F.3d at 239 (finding no waiver when "[t]he deputies had included the defense in both their answer and their memorandum in support of summary judgment, and [the plaintiff] had argued against it in his response memo."). On this record, then, we conclude that the officers did not waive qualified immunity for Larry Anthany's or Cave's detainment and proceed to the merits.

B. The Police's Temporary Detention of Larry Anthany

A plaintiff overcomes qualified immunity by showing that a state actor violated his clearly established constitutional rights. See *District of Columbia v. Wesby*, 583 U.S. 48, 62–63 (2018). A right is clearly established when, "at the time of the officer's conduct, the law was '"sufficiently clear" that every "reasonable official would understand that what he is doing"' is unlawful." *Id.* at 63 (quoting *Ashcroft v. al-Kidd*, 563 U.S. 731, 743 (2011)). "This exacting standard gives 'government officials breathing room to make reasonable but mistaken judgments,'" *City & County of San Francisco v. Sheehan*, 575 U.S. 600, 611 (2015) (quoting *Ashcroft*, 563 U.S. at 743), and protects "all but the plainly incompetent or those who knowingly violate the law," *Malley v. Briggs*, 475 U.S. 335, 341 (1986); see also *Sabo v. Erickson*, 128 F.4th 836, 844 (7th Cir. 2025) (en banc).

Larry Anthany defined his clearly established right broadly, stating that the officers violated his right to be free from unreasonable seizure and excessive force. But

the Supreme Court has rejected attempts to frame rights in a qualified immunity analysis at such a "high level of generality." *Sheehan*, 575 U.S. at 613 ("Qualified immunity is no immunity at all if 'clearly established' law can simply be defined as the right to be free from unreasonable searches and seizures."). Indeed, except in the "rare 'obvious case,'" a plaintiff must point to a case that "every reasonable official would interpret … to establish the particular rule the plaintiff seeks to apply." *Wesby*, 583 U.S. at 63–64 (citation omitted).

What Larry Anthany experienced amid the chaos the Springfield police encountered upon arriving at the Greer's home was far from an obvious violation of his Fourth Amendment right to be free from an unreasonable seizure. At the very least—and even though he bears the burden of showing Officers Johnson and Valenti are not entitled to the defense of qualified immunity—Larry Anthany has not pointed us to a case that clearly establishes his right to be free from forcible, temporary detainment when he confronted police officers responding to a volatile situation with a baseball bat and then told the officers that he wanted to be released so he could go fight his sister's boyfriend. We know of no case clearly informing the officers that their actions violated the Fourth Amendment.

Quite the opposite. Our case law provides that officers may detain a person to ensure officer safety or the safety of others, so long as the infringement on the person's liberty is proportionate to the safety concern. See *United States v. Howard*, 729 F.3d 655, 660 (7th Cir. 2013). We assess a police officer's decision to forcibly detain an individual "from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *County of Los Angeles v. Mendez*, 581 U.S. 420, 428 (2017) (quoting *Graham v. Connor*, 490 U.S. 386, 396 (1989)). When Larry Anthany stood inside his front door with a baseball bat, it was reasonable for the officers to forcibly disarm him and place him in handcuffs until he calmed down. In short, we conclude that Officers Johnson and Valenti are entitled to qualified immunity for their temporary detention of Larry Anthany, including any allegations of excessive force in executing the detention.

C. The Police's Handcuffing and Temporary Detention of Julia Cave

We reach the same conclusion on Julia Cave's claim that Officer Valenti used excessive force in detaining her. We agree with the district court that the volatility and unpredictability of the situation the police encountered at Cave's home rendered Officer Valenti's initial decision to handcuff her reasonable. But the district court went a step further and determined that Officer Valenti violated Cave's clearly established rights by tightening her handcuffs after she informed him that she had lupus—an autoimmune disease. That is where we have a different view.

Relying primarily on our decision in *Rabin v. Flynn*, the district court concluded that Officer Valenti's conduct was unconstitutional beyond debate. See 725 F.3d 628 (7th Cir. 2013). There, Scott Rabin informed police officers that his handcuffs were "tight" and asked the officers to loosen them. *Id.* at 631. But the officers instead applied a second, tighter pair of handcuffs. See *id.* Rabin again told the officers that the handcuffs were too tight and informed them that he had a "bad hand" but the officers took no action. *Id.* In concluding that the officers clearly violated the Fourth Amendment's prohibition against excessive force, we explained that police officers must consider a detainee's known medical conditions, "together with the other relevant circumstances, in determining whether it [is] appropriate to handcuff." *Id.* at 636 (quoting *Stainback v. Dixon*, 569 F.3d 767, 773 (7th Cir. 2009)).

Rabin presented a different situation than the one Officer Valenti encountered at Cave's home. See *Danenberger v. Johnson*, 821 F.2d 361, 363 (7th Cir. 1987) ("[O]fficials are not required to anticipate the extension of existing legal principles." (quoting *Benson v. Allphin*, 786 F.2d 268, 275 (7th Cir. 1986))).

First, Rabin remained in handcuffs for more than twenty-five minutes and was cooperative at all times. See *Rabin*, 725 F.3d at 631–32. Cave, on the other hand, was handcuffed for around ten minutes, disregarded many of Officer Valenti's orders, and repeatedly screamed at police officers and others at the scene—conduct that contributed to the overall chaos and volatility the Springfield police encountered. As soon as Cave calmed down, Officer Valenti removed her handcuffs.

Second, Rabin informed the officers that he had a pre-existing injury to his hand—making the painful and exacerbating effect of handcuffs readily anticipated. See *Id.* at 631. But here all Cave told Officer Valenti was that she had lupus. Without further explanation, a reasonable officer would be unlikely to know that tightening her handcuffs could aggravate any symptoms from the disease. See *Day v. Wooten*, 947 F.3d 453, 463 (7th Cir. 2020) (reversing a district court's denial of qualified immunity on a plaintiff's Fourth Amendment claim when the plaintiff did not explain "the effect of the handcuffs on his preexisting injury").

We therefore reverse the district court's denial of qualified immunity for Officer Valenti on Cave's claim that he employed excessive force in detaining her.

* * *

In the final analysis, we AFFIRM the district court's denial of qualified immunity on the plaintiffs' claim that Officers Johnson and Valenti entered their home without a warrant. But we REVERSE the district court's denial of qualified immunity for Larry

Anthany's detainment-related claims and its denial of qualified immunity for Cave's excessive force claim. And we REMAND this case for proceedings consistent with this order.