

# U.S. Supreme Court Grants Qualified Immunity to Police Officer in Excessive Force Case

April 2, 2026

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On March 23, the U.S. Supreme Court reinforced the high bar for overcoming qualified immunity in excessive force cases - a decision with significant implications for law enforcement use-of-force policies and § 1983 litigation strategy.

In *Zorn v. Linton*, the Supreme Court held that officers who issue warnings before using routine pain compliance techniques on passively resisting protesters are protected from civil liability absent highly specific prior precedent establishing that such conduct violates the Fourth Amendment. The ruling underscores the Supreme Court's continued insistence that the qualified immunity standard requires a "high degree of specificity" in prior precedent before an officer can be denied their protection.

The case arose from a January 2015 sit-in at the Vermont state capitol, where approximately 29 protesters refused to leave the legislative chamber after the building closed for the night. Police officers warned the protesters they would be arrested for trespassing and began removing them one by one.

Sergeant Jacob Zorn approached protester Shela Linton, who was seated with her arms linked to fellow protesters. Linton passively resisted Zorn's orders, so he placed her arm behind her back in a rear wristlock, repeatedly warned her to stand, and when she refused, used the wristlock to lift her to her feet. Linton alleged permanent injuries to her wrist and shoulder, as well as post-traumatic stress disorder, depression and anxiety.

Linton sued Zorn under § 1983, claiming he violated her Fourth Amendment right against the excessive use of force. The U.S. District Court granted summary judgment on qualified immunity grounds, but the U.S. Court of Appeals for the Second Circuit reversed, holding that *Amnesty America v. West Hartford*, 361 F.3d 113 (2d Cir. 2004), clearly established that the "gratuitous" use of a rear wristlock on a passively resisting protester constitutes excessive force.

The Supreme Court reversed. Reaffirming the qualified immunity framework, the Supreme Court emphasized that government officials are shielded from suit unless their conduct violates "clearly established" law, meaning that "every reasonable official would have understood that what he is doing

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violates that right." Courts must generally identify a prior case involving an officer acting under similar circumstances who was held to have violated the Constitution, and the precedent must define the right with a "high degree of specificity." Principles stated at a general level such as "an officer may not use unreasonable and excessive force," are insufficient to overcome qualified immunity.

The Supreme Court found that *Amnesty America* did not clearly establish that Zorn's conduct was unconstitutional and noted that *Amnesty America* involved a "wide range of allegations of excessive force," including officers ramming a protester's head into a wall, dragging another protester across the ground, and using rear wristlocks before throwing a protester to the ground, with no indication that warnings were given beforehand. Moreover, *Amnesty America* did not hold that any of those actions violated the Fourth Amendment but instead merely remanded for a jury trial, acknowledging it was "entirely possible" a reasonable jury could find the officers' force objectively reasonable. Critically, *Amnesty America* itself relied on a decision approving the practice of warning protesters and then using wristlocks to move them.

The Supreme Court concluded that reasonable officials would not interpret *Amnesty America* to establish that using a routine wristlock to move a resistant protester after warning her, without more, violates the Constitution. Because Zorn warned Linton repeatedly before escalating, and the 2nd Circuit's broad principle regarding "gratuitous use of pain compliance techniques" did not "obviously resolve" whether his specific actions were unlawful, the Supreme Court held that Zorn was entitled to qualified immunity.

This ruling reinforces the Supreme Court's longstanding position that qualified immunity demands more than general legal principles to hold officers liable under § 1983. Law enforcement agencies and their counsel should take note that the Supreme Court continues to require highly specific factual parallels in prior precedent before concluding that an officer's conduct violates clearly established law. The decision also highlights the significance of issuing warnings before escalating to force, as the Supreme Court emphasized that Zorn's warnings to Linton distinguished his conduct from the facts of *Amnesty America*.