

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-CV-80907-ROSENBERG/REINHART

CHANON MILLER,

Plaintiff,

v.

PALM BEACH COUNTY
SHERIFF'S OFFICE,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

THIS MATTER comes before the Court upon the Defendant, Palm Beach County Sheriff's Office's ("PBSO"), Motion to Dismiss Plaintiff's Complaint. DE 7. The Court has reviewed the Motion, the Plaintiff, Chanon Miller's, Response, DE 9, and the Defendant's Reply, DE 11, and it is otherwise fully advised in the premises. For the reasons below, the Court concludes that the factual allegations are sufficient to state a plausible claim for relief, but that the Complaint is dismissed without prejudice and with leave for the Plaintiff to amend in order to name the appropriate defendants.

The Plaintiff asserts a single claim under 42 U.S.C. § 1983 for violation of her Fourth Amendment rights, arising from the conduct of Palm Beach County Sheriff's officers when they were called to investigate a series of domestic violence disputes between the Plaintiff and her ex-boyfriend, Eric McGregor, at their home. DE 1. The Plaintiff details the conduct of McGregor and of the PBSO deputies who responded to her 911 calls on three separate occasions, and then asserts that PBSO failed to properly and adequately train and supervise its deputies and that PBSO's policies on responding to domestic violence emergency calls are inadequate. *Id.* She further alleges

that the failure to train and the inadequate policies led to an unreasonable seizure and the violation of her Fourth Amendment rights when deputies caused the false arrest, false imprisonment, and malicious prosecution of the Plaintiff. *Id.*

In considering a motion to dismiss, the Court must accept the allegations in a complaint as true and construe them in a light most favorable to the plaintiffs. *See Resnick v. AvMed, Inc.*, 693 F.3d 1317, 1321 (11th Cir. 2012). At the pleading stage, the complaint need only contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). All that is required is that there are “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 547 (2007).

DISCUSSION

First, the Defendant argues that the Plaintiff incorrectly named PBSO as the Defendant rather than the Sheriff in his official capacity; however, naming the incorrect Defendant is easily remedied and is not a basis for dismissal of the Complaint. In fact, the Plaintiff requests that the Court allow her to amend her Complaint to name the proper entity and to name the individual officers. DE 9.

Second, the Defendant contends that the Plaintiff fails to allege facts to state a claim under § 1983. Inadequate police training “may serve as the basis for § 1983 liability only where the failure to train amounts to deliberate indifference to the rights of persons with whom the police come into contact.” *City of Canton, Ohio v. Harris*, 489 U.S. 378, 388 (1989). When a failure to train shows deliberate indifference, it may be considered a policy or custom actionable under § 1983. *Id.*; *Lewis v. City of W. Palm Beach*, 561 F.3d 1288, 1293 (11th Cir. 2009). Showing a pattern of similar constitutional violations is “ordinarily necessary” to demonstrate deliberate indifference for purposes of a failure to train; however, a plaintiff may rely on a single incident if

there is an obvious consequence for failing to provide training. *Connick v. Thompson*, 563 U.S. 51, 62-63 (2011). To show deliberate indifference, a plaintiff must allege facts indicating the municipality was on notice: either (1) the municipality is aware that a pattern of constitutional violations exists but fails to provide adequate training, or (2) the likelihood for a constitutional violation is so high that the need for training is obvious. *Lewis*, 561 F.3d at 1293; *D.P. v. Sch. Bd. of Palm Beach Cnty.*, --- F. Supp. 3d ----, 2023 WL 2178384, at *9 (S.D. Fla. Feb. 23, 2023).

The Defendant argues that the Plaintiff failed to allege an official custom or policy, and ignores the allegations concerning PBSO's failure to train its deputies in responding to domestic disturbances. *See* DE 7. The Plaintiff responds that the Complaint alleges sufficient facts to place PBSO on notice of the inadequacy of its training programs, based on the three separate instances in which six deputies failed to follow PBSO policy and Florida statutory mandates and failed to investigate the circumstances of the alleged domestic violence, among other things. DE 9. The Plaintiff also appears to argue that the likelihood of an unconstitutional seizure in violation of the Fourth Amendment is sufficiently high in a domestic dispute that the need for training deputies is obvious. *Id.*

In its Reply, the Defendant cites the Plaintiff's burden of proof and contends that she must present "evidence of a history or widespread practice of prior similar constitutional abuses that would have put the Sheriff on notice of a need for improved training but also that a deliberate choice was made not to correct the constitutional problem with more training." DE 11 at 5-6. The Defendant further argues that the deputies clearly had probable cause to arrest the Plaintiff based on the Complaint's allegations. *Id.* at 2. However, these arguments present questions of law and fact that are more appropriately resolved at the summary judgment stage or later in the proceedings.

Viewing Plaintiff's allegations as true, the Court concludes that Plaintiff's allegations survive a motion to dismiss.

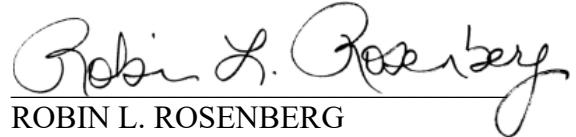
CONCLUSION

Based on the foregoing, it is **ORDERED** and **ADJUDGED** as follows:

1. The Defendant's Motion to Dismiss Plaintiff's Complaint, [DE 7] is **DENIED**.
2. The Plaintiff shall file an amended complaint on or before September 1, 2023.

DONE and ORDERED in Chambers, West Palm Beach, Florida, this 22nd day of August, 2023.

Copies furnished to:
Counsel of record


ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE