

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGE E. BOYD,

Plaintiff,

Case No. 24-10893

Hon. Jonathan J.C. Grey

v.

COUNTY OF GENESEE, SHERIFF
CHRISTOPHER SWANSON, in his
official capacity, DEPUTY ROBERT
ROBBINS, DEPUTY LEON SKINNER,
DEPUTY ANNIE BUECHE,
LIEUTENANT MICHAEL HOLLAND,
AND DEPUTY STEVIE SMITH,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT (ECF No. 45) and GRANTING IN PART AND
DENYING IN PART DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT (ECF No. 46)**

I. INTRODUCTION

Plaintiff George E. Boyd was unnecessarily detained in the Genesee County Jail ("Jail") for three months. As a result, on April 8, 2024, Boyd filed this lawsuit against the County of Genesee (the "County"), Sheriff Christopher Swanson, in his official capacity, Deputy Robert Robbins, Deputy Leon Skinner, and Deputy Annie Bueche. (ECF No. 1.) Boyd first amended the complaint on May 28, 2024 (ECF No. 15), and he filed a

second amended complaint on March 21, 2025 that added Lieutenant Michael Holland and Deputy Stevie Smith as defendants. (ECF No. 39.)

In this 42 U.S.C. § 1983 case, Boyd alleges defendants falsely imprisoned him (Count I) and deprived him of his civil rights (Count II) when they detained him for three months on a federal hold that actually did not exist. In Count II, Boyd alleges that defendants violated the U.S. Constitution by depriving him of the following rights:

1. The right to life, liberty and property without due process of law secured by the Fourteenth Amendment;
2. The right of Plaintiff to be free from cruel and unusual punishments under the Eighth Amendment;
3. The right to be free from excessive bail pursuant to the Eighth Amendment; and
4. The right to equal protection pursuant to the Fourteenth Amendment.

(ECF No. 39, PageID.277.)

Boyd filed a motion for summary judgment on liability (ECF No. 45), as did defendants. (ECF No. 46.) The motions are fully briefed. (*See* ECF Nos. 47, 48, 52, 53.) The Court concludes that oral arguments would not aid in the disposition of the motions, and it rules on the briefs alone. E.D. Mich. L.R. 7.1(f)(2). For the reasons set forth below, the Court

DENIES Boyd’s summary judgment motion and **GRANTS** defendants’ summary judgment motion.

II. BACKGROUND

A. Boyd’s Detention

On April 7, 2022, after Boyd was arrested pursuant to a valid warrant, he was transferred to the Jail. (ECF No. 45, PageID.1326.) He was charged with two state law crimes. On the same day or in the next day or two, someone at the jail also placed a page in Boyd’s booking file that included a charge for “Sex Offense Against Child—Fondling” attributed to “Federal Court.” (ECF No. 45-1, PageID.394.)

The original lodging card and LEIN search do not include any information about a federal hold. (*See id.* at PageID.456, 458–478, 481.) Boyd claims that, at one point in the course of this case, defendants represented that the “arresting officer instructed the receiving deputy to place a federal hold on” Boyd. (ECF No. 45, PageID.335.)¹ However, the arresting officer testified that there is no indication that he did so, nor

¹ Boyd cites to a page that is not in the exhibit he references. (*See* ECF No. 45-1, PageID.489–490.) Boyd has copied and pasted a question and answer from defendants’ 3rd request to admit in his motion, and defendants do not dispute the information reflected therein. Therefore, for purposes of this Order, the Court will presume that Boyd’s contention is accurate.

would it be his responsibility to do so. (*Id.* at PageID.387–388.) Defendants’ initial discovery responses also indicated that no LEIN search was performed for Boyd (ECF No. 45-1 (“There were no searches to LEIN or PACER.”)), but the County’s Rule 30(b)(6) representative, Major Jason Gould, testified that LEIN searches were performed for Boyd—and performed correctly—and that he instructed LEIN Taks to verify the search and results. (ECF No. 45, PageID.337.)²

The parties now proceed under the assumption that Deputy Stevie Smith made the “Federal Court” entry. Smith does not recall being on duty that day or being the person who made the federal hold entry, though the Jail system reflects that she made the entry. (*Id.* at PageID.479.) Smith testified that if she actually did input the federal hold, she did so because she got a call from “the Feds.” (*Id.*) Smith admits that no evidence exists that the Feds called her and that no one else at the Jail had a conversation with the USMS relaying that Boyd had a federal hold. (*Id.*) Nonetheless, she asserts that the charge would not

² Boyd cites to a page of Gould’s deposition testimony that is not in the exhibit he references. (See ECF No. 45-1, PageID.502.) Defendants have not objected to Boyd’s representation of the testimony in their response brief. Therefore, for purposes of this Order, the Court will presume that Boyd’s contention accurately reflects the language from Gould’s deposition testimony.

have been in Boyd's file if she did not get a call or paperwork from the Feds. (*Id.* at PageID.480.)

Eric Sordyl is a booking officer at the Jail. He conducted a LEIN search of Boyd at the time Boyd was booked and completed the two state charges but not the federal charge. He testified that, although he does not know what happened in this case, "there are cases where the U.S. marshals or whoever it may have been could call and tell them that we want to place a federal hold on an inmate." (ECF No. 46-13, PageID.717–722.)

Stephanie Ochadleus, a United States Marshal Service ("USMS") representative, testified that if the USMS contacted a local authority about an individual, it would "typically be done through e-mail or fax" and "would not be done via phone call." (*Id.* at PageID.484.) Ochadleus testified that she did not have any knowledge: (1) of a federal hold on Boyd between April 7-9, 2022; or (2) that anyone from the USMS contacted "the Genesee County sheriffs" during that period and informed them that the USMS had a federal hold on Boyd. (*Id.* at PageID.485–486.) However, Ochadleus also testified that she did not know whether anyone from the USMS had ever contacted the Jail about a federal hold

by phone. (*Id.* at 486.)

It is undisputed that when Boyd was arraigned on the two state charges at the 67th District Court on April 8, 2022, that court released him on a \$40,000 cash/surety bond. (ECF No. 39, PageID.267; ECF No. 45-1, PageID.390–392 PageID.390–392.) On April 9, 2022, Boyd’s friend contacted a bail bonds company to bail Boyd out of jail. (ECF No. 45-1, PageID.397.) Bail bondsman Burnell Nolan collected the money from Boyd’s friend, completed the necessary paperwork, and submitted the paperwork and power of attorney to the Jail, with the power of attorney acting as a check for the \$40,000. (*Id.* at PageID.398–399.) Shortly after Nolan left the Jail, and when he was only blocks away from the Jail, he received a call from a deputy at the Jail. (*Id.* at PageID.399.) Nolan testified that the deputy was a woman. (*Id.*) The deputy “stated to [Nolan] that Mr. Boyd had a federal hold on him and she asked [Nolan] if [he] wanted to proceed further with posting the bond.” (*Id.*) Nolan understood the “federal hold” to mean that Boyd would not be released from the Jail even if bond was posted, so Nolan declined to proceed with the bond, told Boyd’s friend the status of things (including that he was no longer posting bond), and retrieved the bond paperwork from the Jail. (*Id.* at

PageID.400.) Smith does not recall having that conversation with Nolan. (*Id.* at PageID.481.)

On or about April 9, 2022, after Boyd's friend told Boyd about the federal hold, Boyd sent a handwritten kite on a piece of paper asking if there was a federal hold and any details about it; Boyd received a handwritten response that said, "Yes, US Marshalls." [sic] (*Id.* at PageID.405.) On April 21, 2022, Boyd's cellmate attacked and punched Boyd after learning that Boyd was charged with a sex offense against a child, after which Boyd was reassigned to protective custody. (*Id.* at PageID.417.)

On May 16, 2022, Deputy Annie Bueche reviewed Boyd's file, saw the federal charge, wrote "hold per USMS" on the file, and contacted the USMS in Detroit to verify whether it had a hold on Boyd. (*Id.* at PageID.408.) Aaron Garcia from the USMS responded, "This person is Not a USMS case. Nor do I see this person in LEIN or PACER as a federal case. This is not a USMS prisoner nor do we have a hold on him." (*Id.* at PageID.412.) The same day, Bueche wrote on the file, "Booked in error/NOT A USMS PRISONER." (ECF No. 45, PageID.330.) She also updated the jail management system so that anyone who looked up Boyd

would know that he did not have a federal hold. (ECF No. 45-1, PageID.410.) Bueche did not inform Boyd that the federal hold was documented in error, she did not tell a superior that Boyd's federal charge and hold were not accurate, and she did not communicate to Boyd that he would be released if his bond was processed. (*Id.*)

Between May 2, 2022 and June 30, 2022, Boyd sent numerous electronic requests to Jail supervisors asking about his federal hold.

1. May 2, 2022 – “Trying to find out my charges for federal hold please[.]” B. Brock (Lieutenant) – “The federal charges we have you here for are sex offense.”
2. May 5, 2022 – “How many charges do I have on my federal hold?” M. Holland (Lieutenant) – We do not have any info on federal charges.”
3. May 5, 2022 – “Request to see my attorney please.” M. Holland (Lieutenant) – We do not have access to anything federal—you would have to write or call your attorney and they can come up or set up a video visit.”
4. June 24, 2022 – “How or when will I get arraignment for my hold? It's been 3 months.” M. Holland (Lieutenant) – “You only have your local case.”
5. June 24, 2022 – “Am I eligible for tether bond?” – No response (this request was originally sent to “County Ambassadors”)
6. June 25, 2022 – “Do I have any holds?” Lieutenant Skinner – “Federal Hold”
7. June 27, 2022 – “How or when do I get arraignment for my

federal hold charges?” M. Holland (Lieutenant) – “You do not have a federal hold.”

8. June 27, 2022 – “Skinner says I have a federal hold. When will I get arraigned for that?” M. Holland (Lieutenant) – “You do not have a hold that you will be arraigned on. They have a detainer for an arrest warrant out of the U.S. District of Maine charging you with violation of the conditions of probation and/or supervised release. . . . If you were to go to MDOC, the detainer will follow you there. Feds will not assume custody unless you are being RELEASED.”
9. June 28, 2022 – “Continued from last request, will I be able to be released if I post bond on my local charge, with a fed retainer?” D. Reeves – “Looks like you can as in [sic] the second charges [sic] was booked in error.”
10. June 29, 2022 – “How much is my bond for local charge? And if I post it what happens to the fed retainer?” M. Holland (Lieutenant) – “\$40,000 cash or surety. If posted, we would notify the feds and they would decide what they were doing at that time.”
11. June 30, 2022 – “One of my cases got dismissed at my preliminary, so my bond should only be 20,000. Any way to resolve that?” B. Brock (Lieutenant) – “It has been changed.”

(See ECF No. 45, PageID.331–332.)

On June 9, 2022, one of the state charges was dismissed, and Boyd’s bond was reduced to \$20,000. (*Id.* at PageID.415.) Boyd was released from the Jail on July 7, 2022 (ECF No. 45-1, PageID.415), and the remaining state law charge was later dismissed.

B. Jail Policies and Procedures

The Jail has policies and procedures regarding the booking process and record retention, including some for LEIN searches and detention paperwork, which provide in relevant part:

Section 1.3: Accurate and concise custody records shall be maintained on every inmate.

General Guidelines:

- Custody records will contain, but are not limited to:
 - Facility Release Questionnaire/ Supervisory Checklist.
 - Pre-Booking Health Questionnaire.
 - Live Scan inmate identity confirmation.
 - Inmate Booking Charges Record.
 - Inmate Photo.
 - Criminal History Check from the Law Enforcement Information Network (LEIN).
 - Detention Paperwork: court mittimus, detainers, legal commitments, etc.
 - Inmate Custody Requirements: assaultive, escape risk, interpreter services needed, etc.
- Control Desk Deputy shall maintain files until the inmate's lawful release. Files are then forwarded to the Records Office for preservation.

(ECF No. 45-1, PageID.504.)

- Booking (791.734, 791.735):
- Section 2.5: General Guidelines

* * * * *

- Booking staff shall ensure appropriate lodging paperwork is correctly filled out by the arresting agency.

* * * * *

- Inmates shall be fingerprinted and photographed promptly after the initial booking process has been completed. A photograph of the inmate will be placed on the first page of the corresponding Booking Charges Record in the upper righthand corner. The Live Scan response generated from the fingerprinting process will be secured in the inmate's booking file directly underneath the first Booking Charges Record, but on top of the Pre-Booking Health questionnaire and the Facility Release Questionnaire/Supervisory Checklist, respectively.

* * * * *

- Active files shall be maintained in the Classification Office and/or the Booking Area.

(ECF No. 45-1, PageID.505–508.)

III. LEGAL STANDARDS

A. Rule 56

The Federal Rules of Civil Procedure provide that the court “shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). The presence of factual disputes will preclude summary judgment only if the disputes are genuine and concern material facts. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute about a material fact is “genuine” only if “the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Id.* The Court views the record in the light most favorable to the nonmoving party and draws all reasonable inferences in favor of that party. *Blackmore v. Kalamazoo Cnty.*, 390 F.3d 890, 895 (6th Cir. 2004).

Although the Court must view the motion in the light most favorable to the nonmoving party, where “the moving party has carried its burden under Rule 56(c), its opponent must do more than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986); *Celotex Corp. v. Catrett*, 477 U.S. 317, 323–324 (1986). Summary

judgment must be entered against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial. In such a situation, there can be "no genuine issue as to any material fact," since a complete failure of proof concerning an essential element of the nonmoving party's case necessarily renders all other facts immaterial. *Celotex Corp.*, 477 U.S. at 322–323. A court must look to the substantive law to identify which facts are material. *Anderson*, 477 U.S. at 248.

B. Qualified Immunity

It is well-established law that officials performing discretionary functions are shielded from liability unless the plaintiff establishes that: (1) the officer violated one of the plaintiff's constitutional rights, and (2) the right was "clearly established" when the event occurred. *See, e.g., Pearson v. Callahan*, 555 U.S. 223, 229 (2009). These two steps may be addressed in any order, but both must be answered in the affirmative for the case to go to a factfinder to decide if an officer's conduct in the particular circumstances violated the plaintiff's clearly established constitutional rights. *Id.* at 236. If either one is not satisfied, qualified immunity will shield the officer from civil damages. *Id.*

On October 18, 2021, the Supreme Court issued two decisions addressing the “clearly established” prong. In the first case, the Supreme Court stated:

“Qualified immunity attaches when an official’s conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *White v. Pauly*, 580 U. S. —, —, 137 S.Ct. 548, 551, 196 L.Ed.2d 463 (2017) (*per curiam*) (internal quotation marks omitted). **A right is clearly established when it is “sufficiently clear that every reasonable official would have understood that what he is doing violates that right.”** *Mullenix v. Luna*, 577 U.S. 7, 11, 136 S.Ct. 305, 193 L.Ed.2d 255 (2015) (*per curiam*) (internal quotation marks omitted). **Although “this Court’s case law does not require a case directly on point for a right to be clearly established, existing precedent must have placed the statutory or constitutional question beyond debate.”** *White*, 580 U. S., at —, 137 S.Ct., at 551 (alterations and internal quotation marks omitted). This inquiry “must be undertaken in light of the specific context of the case, not as a broad general proposition.” *Brosseau v. Haugen*, 543 U.S. 194, 198, 125 S.Ct. 596, 160 L.Ed.2d 583 (2004) (*per curiam*) (internal quotation marks omitted).

Rivas-Villegas v. Cortesluna, 595 U.S. 1, 5–6 (2021) (emphasis added).

In the second case, the Supreme Court stated:

The doctrine of qualified immunity shields officers from civil liability so long as their conduct “does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Pearson v. Callahan*, 555 U.S. 223, 231, 129 S.Ct. 808, 172 L.Ed.2d 565 (2009). **As we have explained, qualified immunity protects “all but the plainly incompetent or those who knowingly**

violate the law.” *District of Columbia v. Wesby*, 583 U. S. —, —, —, 138 S.Ct. 577, 589, 199 L.Ed.2d 453 (2018) (quoting *Malley v. Briggs*, 475 U.S. 335, 341, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986)).

We have repeatedly told courts not to define clearly established law at too high a level of generality. See, e.g., *Ashcroft v. al-Kidd*, 563 U.S. 731, 742, 131 S.Ct. 2074, 179 L.Ed.2d 1149 (2011). **It is not enough that a rule be suggested by then-existing precedent; the “rule’s contours must be so well defined that it is ‘clear to a reasonable officer that his conduct was unlawful in the situation he confronted.’**” *Wesby*, 583 U. S., at —, 138 S.Ct., at 590 (quoting *Saucier v. Katz*, 533 U.S. 194, 202, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001)).

City of Tahlequah v. Bond, 595 U.S. 9, 12–13 (2021) (emphasis added).

IV. ANALYSIS

A. Defendants Robert Robbins and Christopher Swanson

In their summary judgment motion, defendants state that it is unclear why Boyd sued Robbins. Boyd does not respond to that argument. Other than in the case caption and when listing defendants, Boyd does not mention Robbins in his: (1) response to defendants’ summary judgment motion; (2) motion and brief for summary judgment; or (3) reply brief in support of his summary judgment motion. Accordingly, based on the absence of any evidence of wrongdoing by Robbins, the Court **DISMISSES** Robbins from this cause of action.

Boyd sued Swanson only in his official capacity, but he also sued the County. As Swanson is sued only in his official capacity, the parties now agree that Boyd's claim against Swanson is duplicative of Boyd's claim against the County and should be dismissed. (ECF No. 46, PageID.573; ECF No. 51, PageID.1519.) Accordingly, the Court **DISMISSES** Swanson from this cause of action.

B. Eighth Amendment and Equal Protection Claims

As noted above, Boyd's second amended complaint alleges that defendants violated his rights: (1) to be free from cruel and unusual punishments and from excessive bail under the Eighth Amendment; and (2) to equal protection pursuant to the Fourteenth Amendment. (See ECF No. 39, PageID.277.) However, in Boyd's response to defendants' summary judgment motion, he: (1) "den[ies] he is bringing a claim for excessive bail;" (2) states that he "is not bringing a claim under the 8th Amendment cruel and unusual punishment clause;" and (3) represents that he is "not bringing a claim for violation of the equal protection clause of the 14th Amendment[.]" (See ECF No. 51, PageID.1517–1518.) Therefore, the parties agree that: (a) Boyd's equal protection claim should be dismissed (ECF No. 46, PageID.572; ECF No. 51, PageID.1518); and

(b) Boyd does not present a viable Eighth Amendment claim for cruel and unusual punishment or excessive bail. (ECF No. 46, PageID.573, 594; ECF No. 51, PageID.1517–1519, 1536.)

For those reasons, the Court **DISMISSES** Count II: (1) to the extent that it presents any equal protection claim under the Fourteenth Amendment; and (2) with respect to all claims asserted pursuant to the Eighth Amendment, including claims for cruel and unusual punishment or excessive bail.

C. Fourteenth Amendment Deprivation of Due Process for Preventing Boyd’s Release on Bond³

1. Constitutional Right

Boyd argues that defendants violated his Fourteenth Amendment due process rights when they prevented his release from the Jail even though the 67th District Court judge released Boyd on bond. Boyd asserts he has a fundamental right to be released from jail after a reasonable

³ Prisoners may bring a deliberate indifference action pursuant to the Eighth Amendment, but as a pretrial detainee, Boyd’s only avenue for deliberate indifference claims is the Fourteenth Amendment. *See, e.g., Helphenstine v. Lewis Cnty., Kentucky*, 60 F.4th 305, 315 (6th Cir. 2023) (differentiating the “Due Process Clause of the Fourteenth Amendment (from which a pretrial detainee’s claim arises) and the Cruel and Unusual Punishments Clause of the Eighth Amendment (from which a prisoner’s claim arises).”). *See also Kingsley v. Hendrickson*, 576 U.S. 389, 397–400 (2015); *Browner v. Scott Cnty.*, 14 F.4th 585, 596 (6th Cir. 2021).

amount of bail is set to secure his appearance at trial and bond was posted. (ECF No. 51, PageID.1534 (citing *Stack v. Boyles*, 342 U.S. 1 (1951).) The Court agrees.

The Fourteenth Amendment to the United States Constitution protects individuals from the deprivation of “life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1. The Supreme Court has recognized an “individual’s strong interest in liberty,” and “the important and fundamental nature of this right.” *United States v. Salerno*, 481 U.S. 739, 750 (1987). As the Tenth Circuit has stated, “the right of an accused to freedom pending trial is inherent in the concept of a liberty interest protected by the due process clause of the Fourteenth Amendment.” *Meechaicum v. Fountain*, 696 F.2d 790, 791–792 (10th Cir. 1983).

The Sixth Circuit has found that “inherent in our American concept of liberty is the general existence to the right to bail, and that if bail is denied, the denial must not violate the procedural standards developed from the due process clause.” *Atkins v. Mich.*, 644 F.2d 543, 549 (6th Cir.1981) (quotations and citations omitted). The *Atkins* court further stated, “Atkins’ liberty interest is sufficiently urgent that as a matter of

due process it cannot be denied without the application of a reasonably clear legal standard and the statement of a rational basis for the denial.” *Id.*

More specific to the events in this case, in 2010, a district court in the Sixth Circuit recognized a “liberty interest right in being released on bond.” *Hurm v. Curry*, No. 4:10-CV-00086-JHM, 2011 WL 2940698, at *3 (W.D. Ky. July 19, 2011). In *Hurm*, “Plaintiffs’ families made several attempts to pay the bond set for the Plaintiffs at the jail but were not permitted to do so. After several days, Plaintiffs families were able to post the required bond and the Plaintiffs were released.” *Id.* at *1. The court recognized a constitutional right based on the plaintiffs’ allegations that the defendants refused to accept the plaintiffs’ bonds (and bond monies) when presented to defendants at the jail, thus: (1) violating defendants’ “legal duty to release Plaintiffs upon the proper presentation of the bond monies,” and (2) “unjustly causing additional and unreasonable days of detention.” *Id.*

A second district court in the Sixth Circuit more recently, but still prior to the underlying events, held that plaintiff “established a constitutionally protected right in being released from jail when he was

prevented from meeting his bond conditions.” *Cushman v. Monroe Cnty.*, No. 120CV00004GNSHBB, 2022 WL 964192, at *7 (W.D. Ky. Mar. 30, 2022). In *Cushman*, in 2019, a state court ordered the plaintiff “released on his own recognizance conditioned upon placement of an electronic ankle monitor.” *Id.* at *1. The individual defendant refused to place an ankle monitor on the plaintiff, even after the plaintiff’s friend met with the defendant to pay for the ankle monitor. *Id.* at **1–2, 6–7. The court noted that this case was different from *Hurm* because the plaintiff alleged the defendant “controlled and interfered with the conditions of release by withholding placement of an ankle monitor.” *Id.* at *7. Nevertheless, the court held that the plaintiff established a constitutionally protected right. *Id.*

Further, as the Tenth Circuit stated in 2010:

[A]n arrestee obtains a liberty interest in being freed of detention once his bail is set because the setting of bail accepts the security of the bond for the arrestee’s appearance at trial and “hence the state’s justification for detaining him fade[s].” [*Gaylor v. Does*, 105 F.3d 572, 576 (10th Cir.1997)]. To avoid depriving an arrestee of due process, **the government may only interfere with this protected liberty interest, for instance by refusing to accept lawfully set bail from the arrestee and detaining him until some later time, if its actions reasonably relate “to a legitimate goal.”** *Id.* Otherwise, the detention of such an arrestee would constitute punishment prior to trial, in violation of due

process. *Id.* Other courts have similarly concluded that arrestees whose bail have been set have a protected liberty interest in posting bail and being freed from detention and, thus, depriving such arrestees of that liberty interest may violate due process. See e.g., *Campbell v. Johnson*, 586 F.3d 835, 840 (11th Cir. 2009) (explaining that a county sheriff may be held liable for violating the due process rights of an arrestee if he acts with deliberate indifference in personally refusing to accept the arrestee's court-set bail or if his actions were causally connected to his subordinates' refusal of the arrestee's bail); *Doyle v. Elsea*, 658 F.2d 512, 516–517 n. 6 (7th Cir.1981) (“For due process purposes, the constitutional liberty interest in release on bail arises *after* a magistrate has determined that an accused may be released upon deposit of whatever sum of money will ensure the accused's appearance for trial.”).

Dodds v. Richardson, 614 F.3d 1185, 1192–1193 (10th Cir. 2010) (emphasis in bold added).

As discussed above, Boyd submitted evidence that the 67th District Court released him on \$40,000 bond and that, on the same day (April 9, 2022), bail bondsman Nolan posted the bond paperwork (including the requisite bail amount) at the Jail. Further, Boyd submitted evidence that the Jail (Smith) did not process the bond paperwork to release him but instead: (1) called Nolan to advise that there was a (non-existent) federal hold on Boyd; and (2) asked if Nolan wanted to retrieve the bond paperwork. As such, in a light most favorable to Boyd, the evidence establishes that he satisfied his bond conditions but: (1) a Jail employee

(Smith) controlled and actively interfered with the conditions of his release by contacting Nolan to retrieve the bond paperwork; and (2) failed to release him upon satisfaction of his bond conditions, causing Boyd to endure an additional and unreasonable 90 days in detention.

The Court also finds that Boyd's constitutional right to release upon satisfaction of his bond conditions continued throughout his 90-day detention and that the individual defendants (including Bueche, Holland, and Skinner) controlled and interfered with the conditions of his release. Bueche controlled and interfered with the conditions of Boyd's release when she failed to, after determining on May 16, 2022 that there was no federal hold on Boyd, notify Boyd or any of her superiors that: (1) there was no federal hold; (2) the federal hold was booked in error; and (3) Boyd was eligible to be released if he posted the required bond, as he had already done once. Skinner and Holland controlled and interfered with the conditions of Boyd's release by telling Boyd—or letting Boyd believe—that there was a federal hold on him, even after Bueche updated Boyd's file and the jail management system to reflect that the federal hold was booked in error and that Boyd did not have a federal hold.

Having determined that Boyd has established a constitutionally

protected right in being released from jail because he satisfied his bond conditions, and that there is a genuine dispute of material fact that Smith, Bueche, Skinner, and Holland violated that right by interfering with and controlling the conditions of Boyd's release, the Court considers whether that constitutional right was clearly established as of April 7, 2022.

2. Clearly Established Right

For a district court in the Sixth Circuit,

Sources of “clearly established law” include, from most to least persuasive, Supreme Court precedent, controlling Sixth Circuit precedent, this Court's precedent, or a “robust consensus of cases of persuasive authority.” *See Sutton v. Metro. Gov't of Nashville & Davidson Cnty.*, 700 F.3d 865, 876 (6th Cir. 2012); *Ashcroft*, 563 U.S. at 742, 131 S.Ct. 2074.

Scott v. City of Saginaw, 738 F. Supp. 3d 937, 948 (E.D. Mich. 2024).

Further, a plaintiff “need not find a case directly on point, but existing precedent at the time the conduct occurred must place the ‘constitutional question beyond debate.’” *Martinez v. Wayne Cnty., Michigan*, 142 F.4th 828, 839 (6th Cir. 2025) (quoting *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011)). “It is not enough that a rule be suggested by then-existing precedent; the specifics of existing law must make the contours of the rule clear.” *Martinez*, 142 F.4th at 839 (quoting *City of Tahlequah*, 595

U.S. at 12).

In 2010, more than a decade prior to Boyd's detention, the *Hurm* court determined that the right to due process of law regarding the posting of bond was clearly established.

The Court must now determine whether the right to due process of law regarding the posting of bond was clearly established in June 2009. For a right to be clearly established, “[t]he contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right.” *Ammex*, 381 Fed. Appx. at 485 (quotation omitted). “The relevant inquiry in determining whether a right is clearly established is whether it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted.” *Saucier v. Katz*, 533 U.S. 194, 202 (2001) *modified on other grounds by Pearson v. Callahan*, 555 U.S. 223 (2009). **The Court finds that it would be clear to a reasonable jailer or deputy jailer that refusal to accept properly tendered bond money and release a pretrial detainee was unlawful in June 2009.** *See Atkins*, 644 F.2d at 549; *Dodds v. Richardson*, 614 F.3d 1185, 1206 (10th Cir. 2010) (finding that a pretrial detainee's due process right to be free from unjustified detention after his bail was set was clearly established in 2007 for purposes of qualified immunity)[.]

Hurm, 2011 WL 2940698, at *4 (emphasis added).

Similarly, although the court determined that the individual defendant in *Cushman* was not a state actor (and therefore could not assert qualified immunity), it determined that the constitutional right at issue was clearly established. *Cushman*, 2022 WL 964192, at **10–11. It

stated:

As discussed above, the right to be free from unjustified detention after bail is set was addressed in *Hurm v. Curry*. In *Hurm*, the plaintiff's family made several attempts to pay plaintiff's bail, but were not permitted to do so, which resulted in the plaintiff spending several additional days in jail. *Hurm*, 2011 WL 2940698, at *1. **The Court held that it would be clear to a reasonable jailer that refusing to accept properly tendered money and release a pretrial detainee was unlawful when the incident occurred; thus, the jailer was not entitled to qualified immunity.** *Id.* at *4. In making this determination, the Court relied on *Dodds v. Richardson*, where the plaintiff was not allowed to pay his preset bond until after he was arraigned, resulting in him spending the weekend in jail. *Dodds*, 614 F.3d at 1189. The court found that the defendant violated the plaintiff's rights by preventing him from posting bail for no legitimate reason. *Id.* at 1206; *see also Gaylor v. Does*, 105 F.3d 572, 576 (10th Cir. 1997) (plaintiff has a liberty interest in being freed from detention once his bond was set).

It has likewise long been established that an inmate has a right to a timely release. In *Traweck v. Gusman*, 414 F. Supp. 3d 847 (E.D. La. 2019), the court found that the plaintiff properly pleaded that his clearly established constitutional right had been violated when he was kept in jail 20 days after he was sentenced to time-served and was eligible for release from custody. *Id.* at 862-63. The Court found that "there is no dispute that an incarcerated person's right to timely release from custody is clearly established...." *Id.* at 862; *see also Jones v. Jackson*, 203 F.3d 875, 880-81 (5th Cir. 2000) (plaintiff had clearly established right to not be detained for nine months without due process).

Refusing to provide Cushman with an ankle monitor to the extent it was Richardson's duty to do so violated Cushman's right to be free from unjustified detention. Withholding the

monitor from Cushman arguably prolonged his incarceration beyond January 8. In the same way that *Hurm* and *Dodds* attempted to pay their bail and were not allowed, Cushman allegedly attempted to pay Richardson for an ankle monitor so that he could be released in accordance with the judge's court order, but he was not permitted to do so. **Preventing an individual from meeting his court ordered bond requirements would be commonly understood to violate a pretrial detainee's constitutional rights.** Cushman was ready to meet those requirements because he was able and willing to pay for his ankle monitor. **Once he was able to comply with the bond requirements, Cushman had a right to be released timely.** Thus, even if Richardson was able to assert a qualified immunity defense, he would not be entitled to qualified immunity in this case.

Cushman, 2022 WL 964192, at *11 (emphasis added).

Finally, in *Dodds*, in 2010, the Tenth Circuit held “[t]hat

Plaintiff had a liberty interest based upon federal law in being freed from detention once bail had been set and that his continued detention despite that liberty interest must be reasonably related to a legitimate goal to pass constitutional muster have been clearly established in our circuit (and others) since at least 1997 . . . **Plaintiff's right to be free from unjustified detention after his bail was set was clearly established such that a reasonable official in Defendant's position in April 2007 would have understood that his deliberately indifferent maintenance of the policies that prevented arrestees from posting preset bail for no legitimate reason violated the Constitution.**

Dodds, 614 F.3d at 1206 (internal citation omitted) (emphasis added).

As the foregoing cases make clear, at the time the defendants' conduct occurred in this case in April 2022, it was beyond debate that Boyd had a constitutional right to be free from detention if he satisfied the conditions of his court-ordered bond. At a minimum, Boyd has established a genuine dispute of material fact that he satisfied the conditions of his bond when Nolan submitted the bond paperwork and monies to the Jail on April 9, 2022. Accordingly, as of April 9, 2022, the right was not merely "suggested by then-existing precedent," as "the specifics of existing law . . . ma[d]e the contours of th[at] rule clear." *Martinez*, 142 F.4th at 839.

3. Resolution

For the reasons set forth above, the Court concludes that Boyd has met his burden of establishing a genuine dispute of material fact that several of the individual defendants violated his clearly established Fourteenth Amendment due process rights. As such, Smith, Bueche, Skinner, and Holland are not entitled to qualified immunity with respect to Boyd's Fourteenth Amendment due process claim. The Court therefore **DENIES** defendants' motion for summary judgment as to Boyd's Fourteenth Amendment due process claim against Smith, Bueche,

Skinner, and Holland.

The Court is not persuaded, however, that Boyd is entitled to summary judgment with respect to his Fourteenth Amendment due process claim. There are numerous genuine disputes of material fact, including: (1) whether a factfinder would find credible defendants' contention that the Jail received a call requesting a federal hold be placed on Boyd; (2) whether the factfinder would decide that the actions of each remaining individual defendant was intentional, reckless, deliberately indifferent, grossly negligent, or not liable at all; and (3) whether each defendant's actions were a cause of Boyd's injuries. Accordingly, the Court **DENIES** Boyd's summary judgment motion as to all the individual defendants.

D. The County

Boyd has alleged a *Monell* claim against the County. To successfully plead his *Monell* claim, Boyd must "demonstrate that, through its deliberate conduct, the [County] was the 'moving force' behind the injury alleged." *Alman v. Reed*, 703 F.3d 887, 903 (6th Cir. 2013) (internal quotation marks omitted) (quoting *Bryan Cnty. Bd. of Comm'rs v. Brown*, 520 U.S. 397, 404 (1997)). Boyd must show "that the [County] had a

‘policy or custom’ that caused the violation of [his] rights. *Wright v. City of Euclid*, 962 F.3d 852, 880 (6th Cir. 2020) (quoting *Monell, v. Dep’t of Soc. Servs.*, 436 U.S. 658, 694 (1978)).

A plaintiff can show that the County had a policy or custom that supports a *Monell* claim in four ways: (1) the existence of an illegal official policy or legislative enactment; (2) actions taken by officials with final decision-making authority; (3) a policy of inadequate training or supervision; or (4) a custom of tolerance or acquiescence of federal rights violations. *Jackson v. City of Cleveland*, 925 F.3d 793, 828 (6th Cir. 2019) (quoting *Burgess v. Fischer*, 735 F.3d 462, 478 (6th Cir. 2013)). Boyd’s *Monell* claim is limited to the third theory, the failure to train or supervise.⁴

⁴ In his complaint, Boyd alleges:

58. Defendant, Genesee County, had certain policies, rules and regulations, and Defendant's employees, agents, officers, and administrators underwent training in procedures that its employees, agents, officers, and administrators are mandated to follow.

59. That Defendant, Genesee County, has recklessly and intentionally, and with deliberate indifference to Plaintiff’s physical well-being and Constitutional rights, **failed to train their employees and agents in proper procedure related to booking, federal holds and releasing of bonded out inmates.**

(ECF No. 39, PageID.274 at ¶¶ 58, 59 (emphasis added).) In fact, Boyd states that the County “had written policies and procedures relating to the booking of detainees,

To succeed on a failure to train or supervise claim, Boyd must prove that the: (1) training or supervision was inadequate for the tasks performed; (2) inadequacy was the result of the County's deliberate indifference; and (3) inadequacy was closely related to or actually caused the injury. *Ouza v. City of Dearborn Heights*, 969 F.3d 265, 286–287 (6th Cir. 2020) (internal quotation marks and citation omitted). To show that deliberate indifference caused the inadequate training or supervision, Boyd must either show that the County: (1) failed to act despite prior instances of officers' unconstitutional conduct, or (2) failed to train officers when the need for training “[was] so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policymakers . . . can reasonably be said to have been deliberately indifferent to the need.” *Id.* at 287. Boyd only offers evidence to support a failure to train.

Boyd alleges that the County failed to train its Jail deputies in the proper procedure related to booking, federal holds and releasing bonded out inmates. (ECF No. 39, PageID.274 at ¶ 59.) The testimony of several

which if followed, would have avoided this entire situation and Mr. Boyd would have been released on April 9th.” (ECF No. 47, PageID.779.)

deputies supports Boyd's claim that the County failed to train Jail deputies with respect to federal holds and releasing detainees who posted bond.

First, Gould testified that it was the verbal custom or policy of Jail deputies to not verify or confirm a federal hold until after an inmate posts bond, nor to require proof of a federal hold until after bond is posted. (ECF No. 45, PageID.340.⁵) However, Deputy Valerie Peterson-Fears testified that it is necessary to run the LEIN search to confirm that there's a federal hold when the Jail gets "a phone call from the feds saying, hey, we got a kidnapping charge or, hey we got this," because "[w]e're not just going to go by their word." (ECF No. 48-2, PageID.1151–1152.) She also responded affirmatively when asked whether a deputy would also "check with the court documents to make sure that there is, in fact, a federal hold." (*Id.*, PageID.1161.) She further testified that when they run the LEIN search and see that there is a federal hold, the first

⁵ Boyd again cites pages of Gould's deposition testimony that are not in the exhibit he references. (See ECF No. 45-1, PageID.501.) Defendants have not objected to Boyd's representation of the testimony in their response brief. Therefore, for purposes of this Order, the Court will presume that Boyd's contention accurately reflects the language from Gould's deposition testimony.

thing that they do is notify the agency, which in this case should have been done on April 7 or 8, 2022. (*Id.*, PageID.1169-1170.)

Second, when asked about “training on entering or verifying the legitimacy of a federal hold,” Smith testified:

There isn't training specific to that. You're asking me if there is training or if I was or was not trained there. There isn't a specific training for that. That would have just been a question that I would have asked somebody, if I needed help with it.

(ECF No. 46-12, PageID.691–692.) Likewise, Deputy Eric Whitaker testified that his knowledge regarding federal holds comes from his “experience working with my co-workers and I ask questions . . . if it’s not super busy [because] I like to gain knowledge . . . and I will ask the desk deputy or our more experienced deputy in the booking area . . . hey, what’s the process when we have a federal . . . hold.” (ECF No. 48-1, PageID.1063.)

Third, Gould also testified that, pursuant to verbal policy, Jail deputies tell bond agents and family members about “potential other entanglement[s]” when they try to post bond, but that policy is not documented anywhere. (ECF No. 45-1, PageID.501.) Ironically, he also

testified that it would be inappropriate for a Jail deputy to tell a person that a detainee is not going to get out due to a federal hold. (*Id.*)

Fourth, although the Court is unable to review the relevant deposition testimony because it is not in the record, the Court notes that Boyd's expert, Paul Adee, cited testimony of Holland that GCJ did not have a written policy that addressed federal holds but instead operated on a good faith system that did not require proof of a hold request unless a person posted bond on local charges. (*See* ECF No. 51-1, PageID.1709.)

Fifth, again according to Adee, Smith testified that neither the Lodging Card or LEIN search contained a federal charge when filled out on April 7, 2022, nor did she recall adding the federal charge on April 9, 2022. (*Id.*)

Defendants do not contest Adee's representations in any of their briefing. The Court finds that the foregoing testimony constitutes evidence that the County failed to train Jail deputies regarding federal holds. The deputies' testimony that they had to learn what to do about federal holds by asking other deputies reflects this, as does the deputies' general lack of awareness that they needed to promptly verify a federal hold on LEIN and/or with the federal agency and/or courts.

The Court also finds that the evidence in the record establishes a genuine dispute of material fact that the inadequate training was the actual cause of Boyd's continued detention. Despite Smith essentially conceding that she must have put the federal hold in Boyd's file, there is a lack of clarity about whether she actually did so, when and whether she or someone else received a call from a federal agency about a hold, and whether she contacted Nolan. These circumstances establish a genuine dispute of material fact that, but for the lack of training and/or inadequacy of the training, the Jail would have confirmed that there was no federal hold on Boyd before interfering with the posting of his bond by calling Nolan and returning the bond paperwork and monies rather than processing it.

Accordingly, the Court holds that Boyd has established a viable failure to train or supervise claim. Therefore, defendants' motion for summary judgment on the *Monell* claim is **DENIED**.

E. False Imprisonment

Boyd's false imprisonment claim is based on Michigan law. False imprisonment means "the unlawful restraint of an individual's personal liberty or freedom of movement." *Stowers v. Wolodzko*, 191 N.W.2d 355,

363 (Mich. 1971); *see also Clarke v. K Mart Corp.*, 495 N.W.2d 820 (Mich. Ct. App. 1992). The elements of a false imprisonment claim are:

- (1) an act committed with the intention of confining another,
- (2) the act directly or indirectly results in such confinement,
- and (3) the person confined is conscious of his confinement.

Moore v. Detroit, 652 N.W.2d 688, 691 (Mich. Ct. App. 2002).

Defendants argue that, because Boyd was arrested and held pursuant to a lawful warrant (rather than the federal hold), he was not falsely imprisoned. (ECF No. 46, PageID.592 (citing *Brewer v. Perrin*, 349 N.W.2d 198, 201 (Mich. Ct. App. 1984) (“Plaintiff must show that the arrest was not legal, i.e., without probable cause.”).) Boyd does not address defendants’ argument.

Considering Boyd’s detention prior to Nolan submitting the bond paperwork and monies to the Jail on April 9, 2022, the Court agrees that the law supports defendants’ argument. *See Rideout v. Shelby Twp.*, 691 F. Supp. 3d 816, 827 (E.D. Mich. 2023) (citing *Peterson Novelties, Inc. v. City of Berkley*, 259 Mich. App. 1, 18 (2003) (“To prevail on a claim of false arrest or false imprisonment, a plaintiff must show that the arrest was not legal, i.e., the arrest was not based on probable cause. If the arrest was legal, there has not been a false arrest or a false imprisonment.”).)

Significantly, Boyd does not dispute that he was legally arrested. (*See* ECF No. 51, PageID.1534–1535 (“As the case at bar demonstrates, Mr. Boyd was legally arrested but was entitled to a presumption of innocence on the charges.”).) For that reason, the Court concludes that, up to the time Nolan filed Boyd’s bond paperwork and monies on April 9, 2022, Boyd’s false imprisonment claim fails as a matter of law.

Boyd argues, however, that, “so long as the bond is prepared according to established procedure and received in the usual way by the jail personnel, the bond has been posted.” Thus, he argues, once Nolan had submitted the bond paperwork and monies to the Jail on April 9, 2022, Boyd was wrongfully detained on the state law charges because defendants should have released him promptly after Nolan did so.

For the same reasons Smith, Bueche, Skinner, and Holland were denied qualified immunity, the Court finds that there is sufficient evidence to: (1) support Boyd’s contention that he was falsely imprisoned once his bond was posted; and (2) find that those defendants acted with a lack of good faith and concern for him. And, for the same reasons, there is a genuine dispute of material fact whether any or all of those defendants were grossly negligent and not entitled to individual

governmental immunity. M.C.L. § 691.1407(2).

Similarly, for the same reasons that the Court found that there are numerous genuine disputes of material fact regarding the culpability of each defendant's actions and whether they were a cause of Boyd's injuries with respect to prevailing on his Fourteenth Amendment due process claim, the Court reaches the same conclusion with respect to Boyd's false imprisonment claim. As such, the Court finds that Boyd has not met his burden to prevail on his false imprisonment claim at this stage of the proceedings.

For all the reasons stated above, the Court **DENIES** both Boyd's and defendants' summary judgment motions with respect to Boyd's false imprisonment claim.

V. CONCLUSION

For the reasons stated above, **IT IS ORDERED** that Boyd's motion for summary judgment (ECF No. 45) is **DENIED**.

IT IS FURTHER ORDERED that defendants' summary judgment motion filed (ECF No. 46) is **GRANTED IN PART and DENIED IN PART**.

IT IS FURTHER ORDERED that Robbins and Swanson are

DISMISSED.

IT IS FURTHER ORDERED that all of Boyd's Eighth Amendment claims and his Fourteenth Amendment equal protection claim are **DISMISSED**.

IT IS FURTHER ORDERED that this action shall continue on Boyd's Fourteenth Amendment due process and false imprisonment claims against Smith, Bueche, Skinner, Holland, and the County.

SO ORDERED.

Date: September 30, 2026

s/Jonathan J.C. Grey
Hon. Jonathan J.C. Grey
United States District Judge

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 30, 2026.

s/ S. Osorio
Sandra Osorio
Case Manager