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**LDF and Co-Counsel File Appeal in Case of Federal Officers
Ambushing and Attacking Man**

Today, the [Legal Defense Fund](#) (LDF), working with [Indian and Environmental Law](#) and [Orrick, Herrington & Sutcliffe](#), filed an appeal on behalf of Donald Logsdon, who was ambushed, kicked in the face, and knocked unconscious by U.S. Deputy Marshals in Oklahoma in March 2020. The officers then proceeded to attack Logsdon for over two minutes while he was unconscious.

Logsdon filed a pro se lawsuit in August 2021, alleging a violation of his Fourth Amendment right to be free from excessive force. The Deputy Marshals moved to dismiss the case, and the U.S. District Court for the Eastern District of Oklahoma denied the motion. However, the District Court then granted a motion to reconsider filed by the Deputy Marshals, effectively throwing out Logsdon's case. LDF and co-counsel are representing Logsdon on appeal.

For decades, a U.S Supreme Court case, [Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics](#), has allowed individuals to obtain relief when federal officials violate their constitutional rights. But the District Court decision ruled that *Bivens* did not apply because the Defendants in that case were law enforcement officers from a different federal agency than the Defendants here and because the Defendants in *Bivens* were making an arrest without a warrant when they used excessive force while the Defendants sought to arrest Mr. Logsdon with a warrant. LDF's brief argues that the differences between *Bivens* and this case are insignificant, and that federal law enforcement officials can clearly be sued under *Bivens* when they knock a man unconscious for no reason and then continue to assault him.

"Donald Logsdon is entitled to have his day in court to ensure the officers who violently attacked him are held accountable, as the U.S. Supreme Court has long recognized," said LDF Assistant Counsel Kevin E. Jason. "We stand in a critical moment where the right to sue federal officers is under threat, and courts are increasingly shielding federal officers who harm and abuse people, in an affront to the law and to community demands for accountability. We urge the District Court to reverse its decision and allow Logsdon's claims to proceed to trial."

Our brief also argues that the District Court abused its discretion when it granted the Deputy Marshals' motion for reconsideration. This motion did not meet required standards and recycled its own arguments, violating the Court's rules.

It is critical for our courts to hold law enforcement accountable when they violate the law. This case was filed through LDF's [Qualified Immunity Working Group](#). If you would like to refer a case to the Working Group, please contact us at qualifiedimmunity@naacpldf.org.

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.