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By **Daigle Law Group**

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Refused Care, Reasonable Restraint: Eleventh Circuit Affirms Qualified Immunity in *Marbut v. Phillips*

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In *Marbut v. Phillips*, 176 F.4th 1256 (11th Cir. 2026), the United States Court of Appeals for the Eleventh Circuit affirmed qualified immunity for officers who detained and restrained a woman following a suspected GHB overdose. The Eleventh Circuit found that officers had an objectively reasonable basis to seize her under the emergency-aid doctrine, applying the Supreme Court's decision in *Case v. Montana*, 607 U.S. 107 (2026), which clarified that emergency-aid situations require only objective reasonableness, as "probable-cause decisions" do not apply to "emergency-aid situations." The court also held that the force used was not excessive, as it was proportionate and fell within established standards for physical restraint, despite her resulting physical injury.

Summary of the Facts

In May 2021, Abigail Marbut became unconscious while driving with her mother, Renee. Renee called 911 and reported that Marbut was unresponsive, suspecting that her daughter had suffered a drug overdose. Police officers and medical personnel were dispatched to the scene, and Officer Phillips was one of the first to arrive. He immediately noticed Marbut unconscious in the back seat, and Renee began to explain what had occurred. Renee informed Officer Phillips that Marbut may have overdosed on gamma-hydroxybutyric acid (GHB). GHB "can produce drowsiness, dizziness, nausea, visual disturbances, unconsciousness, seizures, severe respiratory depression, and coma." An overdose typically requires emergency medical treatment.

Shortly after Officer Phillips arrived, Marbut began to stir. Amanda Pitts, an advanced emergency technician, and Adam Bedford, a paramedic, then arrived. Marbut remained confused and could not answer basic questions clearly. Renee informed personnel that Marbut had been unconscious for about 20 minutes and reiterated that Marbut may have overdosed on GHB.

Four minutes later, Marbut attempted to leave while officers and medics were present. She yelled, "I'm not going," "I haven't done anything," and "I'm not doing it." The paramedic informed Officer Phillips that EMS was required to transport her to the hospital, and at this point, three additional officers arrived on scene. Marbut had positioned herself between two parked cars near the apartment building. Although Marbut was able to answer Pitts's questions regarding her name, address, and birthday, she could not remember her birth year. Pitts then informed Marbut that she needed to go to the hospital or go with

the officers. Despite the officers' attempts to keep her there for evaluation and to control the situation, Marbut refused Pitts's ultimatum.

Shortly after, Marbut informed Officer Phillips that she needed to use the restroom and attempted to pass by him. A dispute arose regarding whether Marbut pushed him or turned to the side to get away from him, but it was undisputed that Marbut made contact with Officer Phillips. Officer Phillips ordered Marbut to refrain from putting her hands on him, and he then grasped her right arm and positioned it behind her back. The other officers joined to help subdue Marbut. During the struggle, Marbut actively resisted. Officer Phillips noticed that her right arm was broken and informed his colleagues. Officers handcuffed her left arm to her belt loop. Ultimately, Marbut was transported to the hospital, where doctors confirmed that she had a fractured arm. She suffered "a 'permanent injury to the radial nerve in her right arm' that cause[d] 'weakness' and 'a loss of motion at the elbow and shoulder.'"

In the aftermath, Marbut filed a § 1983 claim alleging unlawful seizure, excessive force, and failure to intervene pertaining to the moment of contact that led to her injury. The officers moved for summary judgment, asserting qualified immunity. The district court granted their motion, and Marbut appealed, seeking review by the Eleventh Circuit.

On appeal, the Eleventh Circuit considered whether four police officers were entitled to qualified immunity from a complaint that they violated the Fourth Amendment when they seized a suspected overdose victim.

United States Court of Appeals for the Eleventh Circuit

The Eleventh Circuit found that the officers did not violate Marbut's clearly established Fourth Amendment rights and, as such, affirmed summary judgment in favor of the officers.

The court first addressed Marbut's unlawful seizure claim. The court reiterated that qualified immunity shields government officials from civil lawsuits unless they violate "clearly established" constitutional rights that any reasonable officer would know at the time of the incident. The court emphasized that a seizure occurs when law enforcement, by physical force or a show of authority, restrains a person's freedom of movement so that a reasonable person would not feel free to leave. Citing *Brigham City v. Stuart*, the court explained that the Supreme Court held that a seizure becomes unlawful when "the circumstances, viewed objectively do not justify it." In this case, Officer Phillips seized Marbut when he stopped her from going to the restroom because he used both a show of authority and physical force to show Marbut that she was not free to terminate the encounter. The other officers joined the seizure when they helped to physically restrain her.

The court then turned to whether the officers had a basis to seize Marbut. The court emphasized the emergency-aid doctrine, which justifies officers in doing what would otherwise be illegal absent an exigent emergency, in order to preserve life or avoid serious injury. The court cited *Case v. Montana*, in which the Supreme Court held that emergency situations are not governed by traditional probable-cause standards. Instead, officers need only an objectively reasonable basis to believe intervention is necessary to prevent serious harm. Officers believed that Marbut had overdosed on GHB. Although she showed some signs of improvement when Pitts later asked for basic information, Marbut still could not remember her birth year. Further, Bedford informed the officer that he still wanted to check her out when Marbut attempted to leave. Therefore, the officers believed that she would endanger herself if she left without treatment. Thus, the emergency-aid doctrine applied, making the seizure constitutional.

The court also noted that even if the emergency-aid doctrine did not justify the seizure, the officers could still seize Marbut because they had probable cause to believe that she had committed a crime. Under federal and Georgia law, it is a crime to possess GHB. Since Renee informed the officers that she believed Marbut was overdosing on GHB, the officers had probable cause to believe that she had committed a crime. Thus, the seizure was constitutional.

On appeal, Marbut dropped her excessive force claims against all officers except Officer Phillips. The court accordingly evaluated Marbut's claim that Officer Phillips used excessive force when he broke her arm. The court emphasized that a seizure can be unlawful if an officer uses excessive force; however, the Fourth Amendment allows for force when it is "reasonably proportionate to the need for [it]." To determine proportionality, the Eleventh Circuit examines "the severity of the crime, the danger to the officer or others, and the risk of flight." Here, because Officer Phillips reasonably believed that he had a right to seize and arrest Marbut, he was able to use some degree of force to carry out the arrest. Moreover, he had only a few seconds to respond after Marbut informed the officers of her intent to go inside and attempted to pass him. Thus, the court found that a reasonable officer could believe that it was necessary to physically restrain Marbut as she was attempting to flee.

The court cited past cases in which it found that "grabb[ing] [the plaintiff] by the arm, forc[ing] him to the ground, [and] plac[ing] him in handcuffs," and grabbing a plaintiff's arm, twisting it around the plaintiff's back, and jerking it up high to the shoulder, were reasonable, common, and accepted uses of force to detain an arrestee without being excessive. The court also emphasized that a proportional use of force does not become excessive if the arrestee suffers unexpected injuries. Here, Officer Phillips grabbed Marbut's arm and pulled it behind her back. Therefore, the court found that he did not use excessive force and that qualified immunity applied.

The court finally turned to Marbut's claim that the other officers should have stopped Officer Phillips from using excessive force. Since the court found that Officer Phillips did not use excessive force, it concluded that the other officers had no duty to intervene and were entitled to qualified immunity. Ultimately, the Eleventh Circuit affirmed that the officers were entitled to qualified immunity.

Marbut v. Phillips, 176 F.4th 1256 (11th Cir. 2026)

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