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Gibson Dunn Secures Significant Victory at Fifth Circuit on Behalf of Section 1983 Plaintiff

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On April 21, 2026, a Gibson Dunn team secured a significant victory for pro bono client Daryl Davis in the U.S. Court of Appeals for the Fifth Circuit. In a published opinion, the Court reversed in part the district court's dismissal with prejudice of several of Mr. Davis's Section 1983 claims, giving him the opportunity to pursue those claims on remand.

Mr. Davis's claims arise from a 2019 traffic stop in which officers accused him of swallowing cocaine—despite never testing him at the time of arrest and despite later drug tests repeatedly coming back negative. Officials nevertheless pursued a felony evidence-tampering charge against Mr. Davis for nearly five years, subjecting him to ongoing supervision and prosecution based on allegations that were never substantiated. Eventually, prosecutors dropped that baseless charge.

Proceeding pro se, Mr. Davis brought civil rights claims arising from his arrest and prosecution, which the district court dismissed with prejudice at the pleading stage. On appeal to the Fifth Circuit, the Court appointed Gibson Dunn associate Liz Kiernan as Mr. Davis's counsel. Gibson Dunn argued that the district court erred in dismissing the claims with prejudice and that Mr. Davis should be able to replead his claims with the benefit of counsel. Liz presented argument to the Fifth Circuit, which agreed in key respects, holding that several of Mr. Davis's claims should not have been dismissed with prejudice and remanding the case with instructions to grant Mr. Davis leave to amend his complaint.

This outcome represents a meaningful step forward for Mr. Davis, who now has the chance to seek relief for his baseless arrest and prosecution. Gibson Dunn will continue to represent Mr. Davis on remand in a team led by Arjun Ogale.

The case is *Davis v. Warren*, No. 24-40599 (5th Cir.).

The team includes partner Allyson Ho and associates Liz Kiernan (argued), Arjun Ogale, Warren Bloom, Jeff Gurley, and Nate Evans.

Related Capabilities

Litigation

Related People

Allyson N. Ho

Elizabeth A. Kiernan

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Nathan Evans

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