

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, FAYETTEVILLE DIVISION

Anthony Haro v. Dr. Theodore T. Brown; Ray Shastid; and Daniel
Esterline

Haro · No. 5:25-CV-5105 · Decided December 19, 2025

SUMMARY

The United States District Court for the Western District of Arkansas held that testing a voluntarily collected urine sample after the plaintiff unequivocally withdrew consent constituted an alleged Fourth Amendment violation. The court nevertheless granted Dr. Theodore Brown qualified immunity because the right was not clearly established under existing precedent. The claims against Brown were dismissed with prejudice, while the claims against the other defendants remained pending.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fayetteville Division
WRITING FOR THE COURT	Timothy L. Brooks
JURISDICTION	United States District Court for the Western District of Arkansas, Fayetteville Division
DECIDED	December 19, 2025
DOCKET	5:25-CV-5105
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that defendants violated his Fourth Amendment rights by testing a urine sample after he revoked his consent. Defendant Dr. Theodore T. Brown moved to dismiss, asserting qualified and statutory immunity. The court granted the motion and dismissed the claims against Dr. Brown with prejudice.
STANDARD OF REVIEW	On a motion to dismiss, qualified immunity may be resolved when the defendant is entitled to it on the face of the complaint. The court applied the two-step qualified-immunity inquiry: whether the alleged facts show a constitutional violation and whether the right was clearly established at the time of the alleged misconduct.
PRECEDENTIAL VALUE	unpublished

PARTIES

Anthony Haro v. Dr. Theodore T. Brown, Ray Shastid, Daniel Esterline

TOPICS

qualified immunity

fourth amendment

search and seizure

motions to dismiss

section 1983

PRACTICE AREAS

constitutional law

civil rights

criminal procedure

civil procedure

qualified immunity

QUESTIONS PRESENTED

1. Whether Haro alleged that Dr. Brown's testing of the urine sample after Haro revoked consent violated the Fourth Amendment.
2. Whether the Fourth Amendment right allegedly violated was clearly established as of December 16, 2024, such that Dr. Brown was not entitled to qualified immunity.
3. Whether Haro's claims against Dr. Brown should be dismissed with prejudice.

HOLDINGS

1. Haro adequately alleged a Fourth Amendment violation because the collection and later testing of the urine were separate searches, Haro unequivocally revoked consent before testing, and Dr. Brown tested the sample without a warrant or another recognized exception to the warrant requirement.
2. Dr. Brown was entitled to qualified immunity because, even assuming the testing violated the Fourth Amendment, no binding or persuasive precedent clearly established that consent to biological testing given at the collection stage could be withdrawn before testing or that the subsequent testing was a separate unconstitutional search.

KEY QUOTATIONS

“Because the State and Dr. Brown’s only justification for the second search was Mr. Haro’s consent—and because that consent was unmistakably revoked before the test occurred—the search occurred without any lawful authority, and was therefore unconstitutional.” (Section III.A)

“A plausible, or even convincing, argument cannot render a constitutional principle beyond debate where precedent has not.” (Section III.B)

FACTUAL BACKGROUND

On October 19, 2024, officers stopped and arrested Haro for driving while intoxicated and collected a urine sample, apparently with his voluntary consent. Six days later, Haro sent certified letters stating that he revoked his actual or implied consent and did not authorize anyone to test the sample. After consulting lawyers for the Department of Public Safety, Dr. Brown directed a State Crime Lab toxicologist to test the urine on or about December 16, 2024, without obtaining a warrant or invoking another exception to the warrant requirement.

PROCEDURAL HISTORY

After officers stopped and arrested Haro for driving while intoxicated and collected a urine sample, Haro later sent letters revoking consent to test the sample. Dr. Brown consulted legal counsel and directed the State Crime Lab to test the sample approximately one month after the revocation. Haro sued under § 1983. On Dr. Brown's motion to dismiss, the court held that Haro adequately alleged a Fourth Amendment violation but that the right was not clearly established, entitling Dr. Brown to qualified immunity. Claims against Shastid and Esterline remained pending.

DISPOSITION

dismissed

CASES CITED

- Brown v. City of Golden Valley, 574 F.3d 491, 495 (8th Cir. 2009)
- Bradford v. Huckabee, 394 F.3d 1012, 1015 (8th Cir. 2005)
- Mullenix v. Luna, 577 U.S. 7, 11-12 (2015)
- Boudoin v. Harsson, 962 F.3d 1034, 1040 (8th Cir. 2020)
- Missouri v. McNeely, 569 U.S. 141, 148 (2013)
- Florida v. Jimeno, 500 U.S. 248, 250-51 (1991)
- United States v. Sanders, 424 F.3d 768, 774 (8th Cir. 2005)
- Riggs v. Gibbs, 923 F.3d 518, 523 (8th Cir. 2019)
- Skinner v. Railway Labor Executives' Association, 489 U.S. 602, 617, 633, 647 (1989)
- Ferguson v. City of Charleston, 532 U.S. 67, 77, 84-85 (2001)
- Birchfield v. North Dakota, 579 U.S. 438, 477 (2016)
- Ashcroft v. al-Kidd, 563 U.S. 731, 743 (2011)

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