

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Corey R. Kendig v. Nicholas Stolar

No. 24-2260 (3d Cir. Apr. 28, 2026) · No. No. 24-2260 · Decided April 28, 2026

SUMMARY

The United States Court of Appeals for the Third Circuit affirmed summary judgment in favor of Pennsylvania State Trooper Nicholas Stolar in Corey Kendig’s 42 U.S.C. § 1983 action alleging false arrest, false imprisonment, and malicious prosecution. The court held that known facts conclusively supporting self-defense can be relevant exculpatory information that should be included in a probable-cause affidavit, but qualified immunity applied because the duty was not clearly established when Stolar acted.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Third Circuit                                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Roth, Circuit Judge; Montgomery-Reeves, Circuit Judge; Ambro, Circuit Judge                                                                                                                                                                                                                                |
| JURISDICTION          | United States Court of Appeals for the Third Circuit                                                                                                                                                                                                                                                       |
| DECIDED               | April 28, 2026                                                                                                                                                                                                                                                                                             |
| DOCKET                | No. 24-2260                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Kendig appealed the Western District of Pennsylvania's grant of summary judgment to Trooper Nicholas Stolar on Kendig's 42 U.S.C. § 1983 claims for Fourth Amendment false arrest, false imprisonment, and malicious prosecution. Stolar asserted qualified immunity.                                      |
| STANDARD OF REVIEW    | The Court reviewed the grant of summary judgment de novo, viewing the facts in the light most favorable to the nonmoving party. Qualified immunity was analyzed by asking whether the defendant violated a constitutional right and whether that right was clearly established at the time of the conduct. |
| PRECEDENTIAL VALUE    | precedential                                                                                                                                                                                                                                                                                               |
| PARTIES               | Corey R. Kendig v. Nicholas Stolar, Pennsylvania State Police                                                                                                                                                                                                                                              |

TOPICS

qualified immunity

fourth amendment

probable cause

section 1983

summary judgment

## PRACTICE AREAS

constitutional law

civil rights

criminal procedure

qualified immunity

appellate procedure

## QUESTIONS PRESENTED

1. Whether known facts supporting Kendig's self-defense claim were relevant and required to be included in the affidavit of probable cause for the charged offenses.
2. Whether omitting known facts supporting self-defense violated Kendig's Fourth Amendment right to be free from arrest, detention, and prosecution without probable cause.
3. Whether that Fourth Amendment right was clearly established when Stolar prepared the affidavit, defeating qualified immunity.
4. Whether the District Court properly granted summary judgment to Stolar.

## HOLDINGS

1. An affirmative defense is relevant to a probable-cause determination when a reasonable police officer would conclusively know that the defense either negates the charged offense's requisite mental state or excuses the conduct. For the offenses charged here, known facts establishing self-defense were exculpatory and relevant to the magistrate's probable-cause determination.
2. An officer is not required to evaluate the merits of every potential affirmative defense, investigate facts that might establish a defense, or resolve conflicting evidence. But when the officer gathers information bearing on self-defense and conclusively knows that the defense negates the charged offense's mens rea or excuses the conduct, the officer must provide those facts to the magistrate.
3. The omission of known facts establishing Kendig's self-defense implicated his Fourth Amendment right to be free from charges and arrests without probable cause.
4. Stolar was entitled to qualified immunity because, at the time of his conduct, it was not clearly established in the Third Circuit that omitting facts supporting an affirmative defense from a probable-cause affidavit violated the Fourth Amendment.

## KEY QUOTATIONS

*“[A]n affirmative defense [is] considered relevant to a probable cause determination only when a reasonable police officer . . . would “conclusively know” that the affirmative defense either negates the requisite mental state or excuses the offending conduct.” (14-15)*

*“Our holding here is straightforward: An officer is not required to evaluate the merits of every potential affirmative defense before filing charges or making an arrest. But when the officer gathers information bearing on the validity of the affirmative defense of self-defense, which he conclusively knows negates the requisite mental state of the charged offense or excuses the offending conduct, he must provide that information to the magistrate so that the probable cause determination remains with the magistrate judge, not the officer.” (19-21)*

*“Still, the law as it stood at the time of the incident provided Stolar no “clearly established” reason to believe that excluding this information from his affidavit of probable cause would violate Kendig’s legal rights. He is therefore entitled to qualified immunity.” (21)*

## FACTUAL BACKGROUND

After Jeremy Jones and his friends confronted Corey Kendig outside Partner's Tavern, one of Jones's friends punched Kendig and a physical altercation followed. While Kendig was on the ground in a chokehold, he fired a gun, striking Jones, who later died. Trooper Nicholas Stolar investigated the shooting, interviewed witnesses, reviewed video footage, filed search-warrant applications, and charged Kendig with criminal homicide, aggravated assault, and recklessly endangering another person. Kendig was later acquitted, and the record contained evidence that could support a self-defense theory.

## PROCEDURAL HISTORY

After Kendig was arrested and charged in connection with Jeremy Jones's shooting death, a jury acquitted him of criminal homicide, aggravated assault, and recklessly endangering another person. Kendig then sued Stolar and the Pennsylvania State Police under § 1983. The District Court granted Stolar summary judgment, concluding that Kendig had not shown arrest, detention, or charging without probable cause and that Stolar was entitled to qualified immunity. The Third Circuit affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Harvard v. Cesnalis, 973 F.3d 190, 199-204 (3d Cir. 2020)
- Dempsey v. Bucknell Univ., 834 F.3d 457, 469, 474 (3d Cir. 2016)
- Wilson v. Russo, 212 F.3d 781, 787, 790 (3d Cir. 2000)
- Andrews v. Sculli, 853 F.3d 690, 699 (3d Cir. 2017)
- Mazuka v. Rice Township Police Department, 655 F. App'x 892, 895, 900 (3d Cir. 2016)
- Holman v. City of York, 564 F.3d 225, 231 (3d Cir. 2009)
- Franks v. Delaware, 438 U.S. 154, 171 (1978)
- Manuel v. City of Joliet, 580 U.S. 357, 364 (2017)
- Johnson v. United States, 333 U.S. 10, 13-14 (1948)
- Illinois v. Gates, 462 U.S. 213, 239 (1983)
- County of Riverside v. McLaughlin, 500 U.S. 44, 53 (1991)
- Ashcroft v. al-Kidd, 563 U.S. 731, 735 (2011)
- Reichle v. Howards, 566 U.S. 658, 664 (2012)
- District of Columbia v. Wesby, 583 U.S. 48, 63 (2018)
- Orsatti v. New Jersey State Police, 71 F.3d 480, 483 (3d Cir. 1995)

- Dowling v. City of Philadelphia, 855 F.2d 136, 141 (3d Cir. 1988)
- Lozano v. New Jersey, 9 F.4th 239, 246 (3d Cir. 2021)
- Chiaverini v. City of Napoleon, 602 U.S. 556, 558 (2024)
- In Interest of Smith, 579 A.2d 889, 896-897 (Pa. Super. Ct. 1990)
- Commonwealth v. Fowlin, 710 A.2d 1130, 1133 (Pa. 1998)
- Commonwealth v. Flemings, 652 A.2d 1282, 1285 (Pa. 1995)
- Commonwealth v. Hooks, 2017 WL 6044282, at \*3 (Pa. Super. Ct. Dec. 6, 2017)
- Commonwealth v. Hilbert, 382 A.2d 724, 731 (Pa. 1978)
- Commonwealth v. Madison, 413 A.2d 718, 720 (Pa. Super. Ct. 1979)
- Gerstein v. Pugh, 420 U.S. 103, 113-114 (1975)
- Wright v. City of Philadelphia, 409 F.3d 595, 603 (3d Cir. 2005)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Estate of Dietrich v. Burrows, 167 F.3d 1007, 1011-1012 (6th Cir. 1999)
- Hodgkins ex rel. Hodgkins v. Peterson, 355 F.3d 1048, 1061 (7th Cir. 2004)
- Jocks v. Tavernier, 316 F.3d 128, 135-136 (2d Cir. 2003)
- Fridley v. Horrigths, 291 F.3d 867, 873 (6th Cir. 2002)
- Davis v. City of Apopka, 78 F.4th 1326, 1336, 1343 (11th Cir. 2023)
- United States v. Baker, 976 F.3d 636, 650 (6th Cir. 2020)
- Loftin v. City of Prentiss, 33 F.4th 774, 780-781 (5th Cir. 2022)
- Rittacco v. Zelechowski, No. 22-544, 2024 WL 2319505, at \*9, \*12 (W.D. Pa. May 22, 2024)
- Gorman v. Bail, 947 F. Supp. 2d 509, 523 (E.D. Pa. 2013)
- Berrios v. City of Philadelphia, 96 F. Supp. 3d 523, 533 (E.D. Pa. 2015)
- Lue v. Borough of Collingdale, No. 14-4497, 2015 WL 70931, at \*5 (E.D. Pa. Jan. 6, 2015)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)