

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Roger Gillispie v. Miami Twp., Ohio

No. No. 20-4119, United States Court of Appeals for the Sixth Circuit (November 30, 2021)

SUMMARY

In this interlocutory appeal from a denial of qualified immunity, the Sixth Circuit dismissed the appeal for lack of appellate jurisdiction. The court held that a defendant appealing a qualified-immunity denial must accept the plaintiff's version of the facts and may only raise pure legal questions; because the defendant officer's arguments instead disputed the district court's factual determinations regarding genuine issues of material fact, the court had no jurisdiction. The underlying § 1983 claims involved suppression of exculpatory evidence (Brady violations), an unduly suggestive eyewitness identification procedure, fabrication of inculpatory evidence, malicious prosecution, and destruction of exculpatory evidence.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Jane B. Stranch; Julia Smith Gibbons; John K. Bush
JURISDICTION	Federal
DECIDED	November 30, 2021
DOCKET	No. 20-4119
DISPOSITION	dismissed
PROCEDURAL POSTURE	Interlocutory appeal from the United States District Court for the Southern District of Ohio at Dayton, denying defendant's motion for summary judgment on qualified immunity grounds.
STANDARD OF REVIEW	Appellate jurisdiction over denial of qualified immunity is limited to legal issues; factual disputes are not reviewable. The court must accept the plaintiff's version of facts and review only whether the legal norms allegedly violated were clearly established.
PRECEDENTIAL VALUE	Published
PARTIES	Matthew Scott Moore v. Roger Dean Gillispie

TOPICS

appellate jurisdiction

summary judgment

civil rights

section 1983

due process

fourth amendment

evidence

PRACTICE AREAS

Civil Rights

Appellate Procedure

Qualified Immunity

QUESTIONS PRESENTED

1. Whether the court has appellate jurisdiction over Moore's interlocutory appeal from the denial of qualified immunity, given that Moore's arguments challenge the district court's factual determinations rather than raising purely legal questions.

HOLDINGS

1. The court lacks jurisdiction because Moore's appeal is based on factual disputes and he fails to concede the plaintiff's version of the facts, which are crucial to his appeal.

KEY QUOTATIONS

"Because Moore fails to abide by the basic, mandatory jurisdictional requirements governing appeals from denials of qualified immunity, we DISMISS the case for lack of jurisdiction." (at 2)

"We have jurisdiction only to the extent that the defendant 'limit[s] his argument to questions of law premised on facts taken in the light most favorable to the plaintiff.'" (at 7-8)

"Moore's failure to comply with the basic requirements of an appeal from a denial of qualified immunity means that we do not have jurisdiction over his appeal." (at 10)

FACTUAL BACKGROUND

In 1988, twin sisters were abducted and sexually assaulted in Miami Township, Ohio. Detective Matthew Moore was assigned to investigate. Moore conducted photo lineups that were unduly suggestive, suppressed exculpatory supplemental reports from earlier detectives who had ruled out Gillispie as a suspect, fabricated inculpatory evidence, and assisted in the malicious prosecution of Gillispie. Gillispie was convicted, spent over 20 years in prison, and his convictions were later vacated due to Brady violations and actual innocence.

PROCEDURAL HISTORY

Gillispie filed a § 1983 suit against Moore alleging suppression of exculpatory evidence, suggestive identification, fabrication of evidence, malicious prosecution, and destruction of evidence. The district court denied Moore's motion for summary judgment based on qualified immunity, finding genuine disputes of material fact. Moore appealed.

DISPOSITION

dismissed

CASES CITED

- Johnson v. Jones, 515 U.S. 304 (1995)
- Adams v. Blount Cnty., 946 F.3d 940 (6th Cir. 2020)
- Ouza v. City of Dearborn Heights, 969 F.3d 265 (6th Cir. 2020)
- Mitchell v. Forsyth, 472 U.S. 511 (1985)
- Jackson v. City of Cleveland, 925 F.3d 793 (6th Cir. 2019)
- Philips v. Roane Cnty., 534 F.3d 531 (6th Cir. 2008)
- Roberson v. Torres, 770 F.3d 398 (6th Cir. 2014)
- Vakilian v. Shaw, 335 F.3d 509 (6th Cir. 2003)
- Barry v. O'Grady, 895 F.3d 440 (6th Cir. 2018)
- Bunkley v. City of Detroit, 902 F.3d 552 (6th Cir. 2018)
- DiLuzio v. Village of Yorkville, 796 F.3d 604 (6th Cir. 2015)
- Phelps v. Coy, 286 F.3d 295 (6th Cir. 2002)
- Beard v. Whitmore Lake Sch. Dist., 402 F.3d 598 (6th Cir. 2005)
- Claybrook v. Birchwell, 274 F.3d 1098 (6th Cir. 2001)
- Scott v. Harris, 550 U.S. 372 (2007)
- Jefferson v. Lewis, 594 F.3d 454 (6th Cir. 2010)
- Gregory v. City of Louisville, 444 F.3d 725 (6th Cir. 2006)
- Stovall v. Denno, 388 U.S. 293 (1967)
- Manson v. Brathwaite, 432 U.S. 98 (1977)
- Simmons v. United States, 390 U.S. 377 (1968)
- Mooney v. Holohan, 294 U.S. 103 (1935)
- King v. Harwood, 852 F.3d 568 (6th Cir. 2017)
- Barton v. Warden, S. Ohio Corr. Facility, 786 F.3d 450 (6th Cir. 2015)
- Moldowan v. City of Warren, 578 F.3d 351 (6th Cir. 2009)
- Spurlock v. Satterfield, 167 F.3d 995 (6th Cir. 1999)
- Webb v. United States, 789 F.3d 647 (6th Cir. 2015)
- McShane v. Moldovan, 172 F.2d 1016 (6th Cir. 1949)
- California v. Trombetta, 467 U.S. 479 (1984)
- United States v. Wright, 260 F.3d 568 (6th Cir. 2001)
- Behrens v. Pelletier, 516 U.S. 299 (1996)
- Plumhoff v. Rickard, 572 U.S. 765 (2014)
- Estate of Carter v. City of Detroit, 408 F.3d 305 (6th Cir. 2005)
- Romo v. Largen, 723 F.3d 670 (6th Cir. 2013)
- Sevy v. Barach, 815 F. App'x 58 (6th Cir. 2020)
- Steel Co. v. Citizens for a Better Env't, 523 U.S. 83 (1998)
- Howe v. City of Akron, 801 F.3d 718 (6th Cir. 2015)

- State v. Gillispie, 65 N.E.3d 791 (Ohio Ct. App. 2016)
- Gillispie v. City of Miami Twp., No. 3:13-CV-416, 2020 WL 5629677 (S.D. Ohio Sept. 21, 2020)
- Gillispie v. Timmerman-Cooper, 835 F. Supp. 2d 482 (S.D. Ohio 2011)
- State v. Gillispie, No. 24456, 2012 WL 1264496 (Ohio Ct. App. 2012)
- State v. Gillespie, No. 12941, 1993 WL 10927 (Ohio Ct. App. Jan. 21, 1993)
- Gillispie v. Warden, London Corr. Inst., 771 F.3d 323 (6th Cir. 2014)
- State v. Gillispie, 977 N.E.2d 694 (Ohio 2012) (table)

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