

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Steven F. Cox v. City of Jackson, Tennessee

No. No. 19-6162, United States Court of Appeals for the Sixth Circuit (April 22, 2020)

SUMMARY

****Key Legal Topics:**** Fourth Amendment – warrantless arrest; Gerstein v. Pugh prompt probable cause determination; 48-hour presumption; § 1983 municipal liability; statute of limitations accrual; Heck v. Humphrey bar; guilty plea waiver. ****Holdings:**** (1) Two plaintiffs detained one day each failed to state a Gerstein claim because detention under 48 hours is presumptively reasonable absent allegations of unreasonable delay for improper purposes. (2) For other plaintiffs detained over 48 hours, the statute of limitations did not necessarily accrue at 48 hours; factual disputes existed whether they could have discovered the defective probable cause determination before the district attorney’s letter, precluding dismissal on limitations grounds. (3) Heck v. Humphrey does not bar Gerstein claims because success would not necessarily imply invalidity of convictions, especially where plaintiffs pleaded guilty. ****Disposition:**** Affirmed dismissal of claims for Cox and Freeman; reversed and remanded for Irvin, Fason, Nagi, and Kirk.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Ralph B. Guy, Jr.; Amul R. Thapar; John K. Bush
JURISDICTION	Federal
DECIDED	April 22, 2020
DOCKET	No. 19-6162
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the United States District Court for the Western District of Tennessee, grant of judgment on the pleadings
STANDARD OF REVIEW	De novo review of the grant of a Rule 12(c) motion
PRECEDENTIAL VALUE	Unpublished
PARTIES	Steven F. Cox, Kelly Freeman, Rufus Irvin, Keith Fason, David Nagi, Ernie Kirk v. City of Jackson, Tennessee

TOPICS

fourth amendment

civil rights

constitutional law

criminal procedure

appellate procedure

standard of review

statute of limitations

pleadings

PRACTICE AREAS

Civil Rights

Constitutional Law

Criminal Procedure

QUESTIONS PRESENTED

1. Whether the one-day detentions of Cox and Freeman state a claim for violation of the Fourth Amendment under *Gerstein v. Pugh* and *County of Riverside v. McLaughlin*.
2. Whether the claims of Irvin, Fason, Nagi, and Kirk are barred by the one-year statute of limitations.
3. Whether the claims of Irvin, Fason, Nagi, and Kirk are barred under *Heck v. Humphrey*.

HOLDINGS

1. A detention of less than 48 hours is presumptively reasonable under *County of Riverside v. McLaughlin*, and absent allegations of unreasonable delay for improper purposes, no claim arises.
2. The claims are not time-barred as a matter of law because there are disputed factual questions relating to the accrual date, specifically whether the District Attorney General's letter disclosed the constitutional deficiency and whether plaintiffs should have discovered it earlier.
3. Success on a *Gerstein* claim does not necessarily imply the invalidity of a conviction, because a conviction is not invalidated by lack of prompt probable cause determination, and a guilty plea waives defects in the warrant.

KEY QUOTATIONS

“A person arrested pursuant to a warrant issued by a magistrate on a showing of probable cause is not constitutionally entitled to a separate judicial determination that there is probable cause to detain him pending trial.” (3)

“the Fourth Amendment requires a judicial determination of probable cause as a prerequisite to extended restraint of liberty following arrest.” (3)

*“that a jurisdiction that provides judicial determinations of probable cause within 48 hours of arrest will, as a general matter, comply with the promptness requirement of *Gerstein*.”* (4)

“Because the judgments on which the City relies reflect that plaintiffs Irvin, Fason, Nagi, and Kirk pleaded guilty, proof that their arrest warrants and/or Affidavits of Complaint were not sworn to before a magistrate or neutral and detached clerk would not necessarily imply the invalidity of their convictions.” (11)

“The district court's order granting judgment on the pleadings is AFFIRMED with respect to the claims of plaintiffs Cox and Freeman, and REVERSED and REMANDED with respect to the claims of plaintiffs Irvin, Fason, Nagi, and Kirk.” (12)

FACTUAL BACKGROUND

Plaintiffs were arrested without warrants and detained by the City of Jackson, Tennessee. They alleged that the City failed to provide prompt judicial probable cause determinations as required by *Gerstein v. Pugh* and *County of Riverside v. McLaughlin*, because the City's clerks issued warrants or Affidavits of Complaint without placing affiants under oath. Two plaintiffs (Cox and Freeman) were detained for one day; the other four were detained for longer periods. The action was filed after the District Attorney General issued a letter in January 2019 disclosing the defect.

PROCEDURAL HISTORY

The district court dismissed the *Gerstein/McLaughlin* claims of two plaintiffs because they were detained less than 48 hours, and the other plaintiffs' claims as time-barred. The district court did not reach the *Heck v. Humphrey* argument.

DISPOSITION

other

REMAND INSTRUCTIONS

Affirmed as to Cox and Freeman; reversed and remanded as to Irvin, Fason, Nagi, and Kirk for further proceedings consistent with the opinion.

CASES CITED

- *Gerstein v. Pugh*, 420 U.S. 103 (1975)
- *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991)
- *Heck v. Humphrey*, 512 U.S. 477 (1994)
- *Baker v. McCollan*, 443 U.S. 137 (1979)
- *Ashcroft v. Iqbal*, 556 U.S. 662 (2009)
- *Greer v. City of Highland Park*, 884 F.3d 310 (6th Cir. 2018)
- *Hall v. Spencer Cty.*, 583 F.3d 930 (6th Cir. 2009)
- *Owens v. Okure*, 488 U.S. 235 (1989)
- *Johnson v. Memphis Light Gas & Water Div.*, 777 F.3d 838 (6th Cir. 2015)
- *Wallace v. Kato*, 549 U.S. 384 (2007)
- *Roberson v. Tennessee*, 399 F.3d 792 (6th Cir. 2005)
- *Hughes v. Vanderbilt Univ.*, 215 F.3d 543 (6th Cir. 2000)
- *Johnson v. County of Paulding*, 780 F. App'x 796 (11th Cir. 2019)
- *Sanders v. Detroit Police Dep't*, 490 F. App'x 771 (6th Cir. 2012)
- *Com. Money Ctr., Inc. v. Ill. Union Ins. Co.*, 508 F.3d 327 (6th Cir. 2007)
- *Am. Premier Underwriters, Inc. v. Nat'l R.R. Passenger Corp.*, 839 F.3d 458 (6th Cir. 2016)
- *Hayward v. Cleveland Clinic Found.*, 759 F.3d 601 (6th Cir. 2014)
- *Harper v. Jackson*, 293 F. App'x 389 (6th Cir. 2008)

- Alkire v. Irving, 339 F.3d 802 (6th Cir. 2003)
- State v. McCloud, 310 S.W.3d 851 (Tenn. Crim. App. 2009)
- State v. Wilson, 6 S.W.3d 504 (Tenn. Crim. App. 1998)
- State v. Burtis, 664 S.W.2d 305 (Tenn. Crim. App. 1983)
- State v. Campbell, 641 S.W.2d 890 (Tenn. Crim. App. 1982)
- State v. Gross, 673 S.W.2d 552 (Tenn. Crim. App. 1984)

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