

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Gabriel Jordan v. Laura Franklin, Magen Dodge, and Kayra Lopez

Jordan · No. Civil Action No. 24-cv-03181-CYC · Decided March 31, 2026

SUMMARY

The United States District Court for the District of Colorado granted defendants’ motions for summary judgment on Gabriel Jordan’s 42 U.S.C. § 1983 malicious-prosecution claim. The court held that Kayra Lopez did not act under color of state law and that defendants Magen Dodge and Laura Franklin had, at minimum, arguable probable cause supporting qualified immunity. The court dismissed the remaining state-law claims without prejudice for lack of subject-matter jurisdiction, denied Jordan’s summary-judgment motion, and closed the case.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Cyrus Y. Chung
JURISDICTION	United States District Court for the District of Colorado
DECIDED	March 31, 2026
DOCKET	Civil Action No. 24-cv-03181-CYC
DISPOSITION	other
PROCEDURAL POSTURE	The parties filed cross-motions for summary judgment on the plaintiff's 42 U.S.C. § 1983 malicious-prosecution claim. The defendants sought judgment based on lack of state action and qualified immunity; the plaintiff sought summary judgment. The court also considered the effect of resolving the sole federal claim on the remaining state-law claims.
STANDARD OF REVIEW	Summary judgment is reviewed under Federal Rule of Civil Procedure 56: the court must grant judgment when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The record is viewed and reasonable inferences are drawn in favor of the nonmoving party. For qualified immunity, the plaintiff bears the burden of showing both a constitutional violation and violation of clearly established law; in the probable-cause context, the relevant question is whether arguable probable cause existed.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

section 1983

qualified immunity

summary judgment

civil rights

subject matter jurisdiction

PRACTICE AREAS

civil rights

constitutional torts

qualified immunity

federal jurisdiction

civil procedure

QUESTIONS PRESENTED

1. Whether Lopez acted under color of state law when she reported Jordan's alleged conduct to law-enforcement authorities, such that she could be liable under 42 U.S.C. § 1983.
2. Whether Dodge and Franklin were entitled to qualified immunity on Jordan's § 1983 malicious-prosecution claim because arguable probable cause existed.
3. Whether the court should exercise supplemental jurisdiction over the remaining state-law claims after disposing of the sole federal claim.
4. Whether the plaintiff's passing references to § 1983 in his summary-judgment motion constituted a procedurally proper request to amend the complaint.

HOLDINGS

1. Lopez did not act under color of state law merely by reporting her observations to authorities. Her report was not an exercise of authority vested in her as a public-safety cadet, and the undisputed evidence did not establish coercion, joint action, conspiracy, or state influence.
2. Dodge and Franklin were entitled to qualified immunity because, at a minimum, they had arguable probable cause, and Jordan failed to identify clearly established law showing that their conduct violated the Fourth Amendment.
3. The court declined to exercise supplemental jurisdiction over the remaining state-law claims and dismissed them without prejudice for lack of subject-matter jurisdiction.

KEY QUOTATIONS

“Acting as a witness, even one with some connection to the police, is not, without more, acting under the color of law.” (at 9)

“The ultimate question, however, is whether [the] plaintiff has proven the deprivation of a constitutional right” (at 10)

“The Constitution does not entitle a suspect to a perfect investigation.” (at 12)

“Settled law makes it clear that probable cause is measured at the moment the arrest occurs and must derive from facts and circumstances based on reasonably trustworthy information.” (at 13)

FACTUAL BACKGROUND

During a Denver Police Department training exercise, Lopez, a public-safety cadet, reported to police personnel that Jordan had appeared to masturbate near her and provided videos and photographs of the incident. Lopez had

no further involvement after her initial report and did not request that Jordan be charged or disciplined. Franklin, an internal-affairs sergeant, reviewed Lopez's evidence, spoke with a prosecutor, and proceeded with charges after the prosecutor approved them; Dodge later submitted a required notification concerning the criminal investigation. The criminal case was dismissed after the district attorney's office concluded it could not prove the charges beyond a reasonable doubt, after which Jordan brought this action.

PROCEDURAL HISTORY

The plaintiff filed the action in Colorado state court against Franklin and Dodge, and those defendants removed it to federal court. The court granted the plaintiff leave to amend to add Lopez. After the amended complaint asserted one federal malicious-prosecution claim and several state-law claims, the parties consented to magistrate-judge jurisdiction. Lopez moved to dismiss, the defendants moved for summary judgment, and the plaintiff filed a cross-motion for summary judgment. The court granted defendants' summary-judgment motions as to Claim 3, denied the plaintiff's motion, dismissed Claims 1 and 2 without prejudice for lack of subject-matter jurisdiction, denied Lopez's motion to dismiss as moot, and closed the case.

DISPOSITION

other

CASES CITED

- Banner Bank v. First Am. Title Ins. Co., 916 F.3d 1323, 1326 (10th Cir. 2019)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986)
- Jojola v. Chavez, 55 F.3d 488, 492-93 (10th Cir. 1995)
- West v. Atkins, 487 U.S. 42, 49 (1988)
- Pioneer Nat. Res. Co. v. Gatza, No. 05-CV-02434-CBS, 2006 WL 1547310, at *4 (D. Colo. June 2, 2006)
- Wittner v. Banner Health, 720 F.3d 770, 773, 777 (10th Cir. 2013)
- Barnett v. Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., 956 F.3d 1228, 1235-36 (10th Cir. 2020)
- Gallagher v. Neil Young Freedom Concert, 49 F.3d 1442, 1453 (10th Cir. 1995)
- Schaffer v. Salt Lake City Corp., 814 F.3d 1151, 1157 (10th Cir. 2016)
- Lee v. Town of Estes Park, Colo., 820 F.2d 1112, 1115 (10th Cir. 1987)
- Pierce v. Gilchrist, 359 F.3d 1279, 1282-83, 1293 (10th Cir. 2004)
- Novitsky v. City of Aurora, 491 F.3d 1244, 1257-58 (10th Cir. 2007)
- Bledsoe v. Carreno, 53 F.4th 589, 615 (10th Cir. 2022)
- A.M. v. Holmes, 830 F.3d 1123, 1140 (10th Cir. 2016)
- Cortez v. McCauley, 478 F.3d 1108, 1121 (10th Cir. 2007) (en banc)
- Coones v. Bd. of Cnty. Comm'rs of Unified Gov't of Wyandotte Cnty./Kan. City, 166 F.4th 1, 29-30 (10th Cir. 2026)
- Schreiner v. City of Louisville, No. 15-CV-00287-REB-CBS, 2015 WL 9437882, at *6 (D. Colo. Dec. 4, 2015)

- Beattie v. Smith, 543 F. App'x 850, 856-59 (10th Cir. 2013)
- Romero v. Fay, 45 F.3d 1472, 1476-77, 1481 (10th Cir. 1995)
- Vazquez-Pulido v. United States, 155 F.3d 1213, 1216 (10th Cir. 1998)
- Hunter v. Bryant, 502 U.S. 224, 228 (1991)
- Timken v. S. Denver Cardiology Assocs., P.C., No. 23-cv-02859-GPG-SBP, 2024 WL 4407003, at *4 (D. Colo. Aug. 29, 2024), aff'd, 155 F.4th 1227 (10th Cir. 2025)
- Adams v. C3 Pipeline Constr. Inc., 30 F.4th 943, 971 (10th Cir. 2022)

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