

ARKANSAS COURT OF APPEALS, DIVISION III

Alexander Sullivan, in His Individual and Official Capacities; City of Little Rock; and Keith Humphrey, in His Official Capacity as Chief of Police, City of Little Rock Police Department v. Kenneth Richardson

2026 Ark. App. 145 · No. CV-25-26 · Decided March 4, 2026

SUMMARY

The Arkansas Court of Appeals reviewed a summary-judgment order involving claims arising from Kenneth Richardson’s arrest for obstructing governmental operations while a police officer was conducting an investigatory stop. The court held that the officer had, at minimum, arguable probable cause and was entitled to qualified immunity on Richardson’s Fourth Amendment claims, including unlawful seizure and excessive force. The court further held that Richardson’s First Amendment and official-capacity and municipal-liability claims failed, reversed the circuit court, and remanded for entry of summary judgment in favor of the appellants.

CASE DETAILS

COURT	Arkansas Court of Appeals, Division III
WRITING FOR THE COURT	Robert J. Gladwin; Wood; Murphy
JURISDICTION	Arkansas Court of Appeals, Division III
DECIDED	March 4, 2026
DOCKET	CV-25-26
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from orders denying in part the defendants' motion for summary judgment on federal constitutional claims and denying Alexander Sullivan qualified immunity.
STANDARD OF REVIEW	Summary judgment and qualified immunity are reviewed de novo. Summary judgment is proper when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. The evidence is ordinarily viewed in the light most favorable to the nonmoving party, but incontrovertible videotape evidence that clearly contradicts the nonmoving party's account is not disregarded.
PRECEDENTIAL VALUE	published opinion; precedential

PARTIES

Alexander Sullivan, in his individual and official capacities, City of Little Rock, Keith Humphrey, in his official capacity as Chief of Police, City of Little Rock Police Department v. Kenneth Richardson

TOPICS

qualified immunity

summary judgment

fourth amendment

free speech

municipal liability

PRACTICE AREAS

constitutional law

civil rights

police misconduct

municipal liability

civil procedure

QUESTIONS PRESENTED

1. Whether the circuit court erred in denying Sullivan qualified immunity on Richardson's Fourth Amendment unlawful-seizure claim.
2. Whether Sullivan was entitled to qualified immunity on Richardson's Fourth Amendment excessive-force claim based on handcuffing during the arrest.
3. Whether Richardson's arrest for obstructing governmental operations violated the First Amendment right to observe or record police activity in a public place.
4. Whether the official-capacity, supervisory, and municipal-liability claims could proceed when no underlying constitutional violation by Sullivan was established.
5. Whether genuine issues of material fact precluded summary judgment in light of the dashcam audio and other summary-judgment evidence.

HOLDINGS

1. Sullivan had at least arguable probable cause to arrest Richardson for obstructing governmental operations because Richardson approached an officer conducting an active investigation, refused repeated directives to leave, and diverted the officer's attention from the suspect. Sullivan therefore was entitled to qualified immunity on the Fourth Amendment unlawful-seizure claim.
2. Sullivan was entitled to qualified immunity on Richardson's excessive-force claim because the only force shown was routine handcuffing that caused no demonstrated injury beyond ordinary discomfort and was, at most, de minimis.
3. The First Amendment did not provide a basis for liability because the arrest was based on arguable probable cause that Richardson was obstructing an active investigation, not on his recording of police activity, and his recording had ceased before the arrest.
4. The official-capacity and municipal-liability claims against Sullivan, Humphrey, and the City necessarily failed because Sullivan committed no actionable constitutional violation and was entitled to qualified immunity.

KEY QUOTATIONS

“Because arguable probable cause is sufficient to entitle a law enforcement officer to qualified immunity, we hold that the record before us supports that Sullivan had arguable probable cause to arrest Richardson and is therefore entitled to qualified immunity on Richardson’s Fourth Amendment unlawful-seizure claim.” (at 13)

“Given that routine handcuffing is a standard and lawful component of an arrest, and in the absence of evidence of injury or objectively unreasonable conduct, no clearly established law would have put Sullivan on notice that his actions violated the Fourth Amendment.” (at 15)

“Because no underlying constitutional violation can be established, the remaining official-capacity and municipal- liability claims necessarily fail.” (at 16)

FACTUAL BACKGROUND

On October 9, 2019, Officer Sullivan responded to an aggravated-robbery report and detained Lee McClane, who matched the victim's description of the suspect. Kenneth Richardson drove near the scene, photographed the interaction, and, according to the dashcam audio credited by the court, exited his vehicle, approached Sullivan during the active investigation, refused repeated instructions to leave, and diverted Sullivan's attention from the handcuffed suspect. Sullivan arrested Richardson for obstructing governmental operations; the charge was later nolle prossed, and an internal police investigation concluded that Sullivan's conduct was lawful.

PROCEDURAL HISTORY

Richardson sued Sullivan, the City of Little Rock, and Keith Humphrey under the First and Fourth Amendments, 42 U.S.C. § 1983, Monell, and state-law theories after Sullivan arrested him for obstructing governmental operations while Richardson was observing and photographing an investigatory stop. The Pulaski County Circuit Court granted summary judgment on the negligence and battery claims but denied summary judgment on the First and Fourth Amendment claims and specifically denied Sullivan qualified immunity. The Arkansas Court of Appeals reversed and remanded with instructions to enter summary judgment for the appellants on all remaining claims.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Enter summary judgment in favor of the appellants on all remaining claims.

CASES CITED

- Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978)
- Boyle Ventures, LLC v. City of Fayetteville, 2025 Ark. 71, 711 S.W.3d 280, 283
- Harris v. Parrish, 2018 Ark. App. 348, 552 S.W.3d 475, 478
- Wallingford v. Olson, 592 F.3d 888 (8th Cir. 2010)
- Scott v. Harris, 550 U.S. 372 (2007)

- Early v. Crockett, 2014 Ark. App. 278, 436 S.W.3d 141
- Borgman v. Kedley, 646 F.3d 518, 522-23 (8th Cir. 2011)
- Fisher v. Wal-Mart Stores, Inc., 619 F.3d 811, 816 (8th Cir. 2010)
- Nelson v. State, 2013 Ark. App. 421
- Walker v. City of Pine Bluff, 414 F.3d 989, 992-93 (8th Cir. 2005)
- Chestnut v. Wallace, 947 F.3d 1085, 1089-90 (8th Cir. 2020)
- Graham v. Connor, 490 U.S. 386 (1989)
- Chambers v. Pennycook, 641 F.3d 898 (8th Cir. 2011)
- Wertish v. Krueger, 433 F.3d 1062 (8th Cir. 2006)
- Yang v. City of Little Rock, 2019 Ark. 169, 575 S.W.3d 394

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