

6TH CIR.

James Rieves v. Town of Smyrna, Tenn.

No. Nos. 19-5319/5320/5347, 6th Cir. (May 15, 2020)

SUMMARY

The Sixth Circuit held that prosecutors are not entitled to absolute immunity for directing law enforcement investigations and providing legal advice during the investigative phase, before probable cause exists or judicial proceedings begin. The court also denied qualified immunity to the prosecutors and the sheriff on Fourth Amendment false arrest claims because it was objectively unreasonable to rely on inconclusive TBI lab reports that could not determine whether CBD products were illegal under Tennessee law. However, the sheriff was granted qualified immunity on the equal protection selective-enforcement claim because the complaint failed to allege his personal involvement in the decision to target small businesses over larger retailers. The case clarifies that prosecutors acting as investigators rather than advocates, and officials who ignore exculpatory evidence, are not shielded by immunity.

CASE DETAILS

COURT	6th Cir.
WRITING FOR THE COURT	Julia Smith Gibbons; Raymond M. Kethledge; John K. Bush
JURISDICTION	Federal
DECIDED	May 15, 2020
DOCKET	Nos. 19-5319/5320/5347
DISPOSITION	affirmed in part, reversed in part
PROCEDURAL POSTURE	Appeal from the United States District Court for the Middle District of Tennessee at Nashville. No. 3:18-cv-00965—Aleta Arthur Trauger, District Judge. Defendants appeal denial of motions to dismiss based on absolute and qualified immunity.
STANDARD OF REVIEW	De novo
PRECEDENTIAL VALUE	Published
PARTIES	Jennings S. Jones, John Zimmerman, Mike Fitzhugh v. James Swain Rieves et al.

TOPICS

civil rights

section 1983

fourth amendment

equal protection

appellate procedure

PRACTICE AREAS

Civil Rights

Constitutional Law

Government Liability

QUESTIONS PRESENTED

1. Whether Jones and Zimmerman are entitled to absolute prosecutorial immunity or qualified immunity for their actions during the investigation.
2. Whether Fitzhugh is entitled to quasi-judicial absolute immunity or qualified immunity for his actions related to the investigation and arrests.
3. Whether Fitzhugh is entitled to qualified immunity on the plaintiffs' equal protection claim.

KEY QUOTATIONS

“A prosecutor is entitled to absolute immunity when he acts as an advocate for the State and engages in activity that is intimately associated with the judicial phase of the criminal process.” (at 10)

“It is clearly established that an arrest without probable cause violates the Fourth Amendment.” (at 17)

“The complaint fails to allege a selective enforcement claim against Fitzhugh because it does not show Fitzhugh was responsible for the decision to selectively prosecute the plaintiffs.” (at 23)

FACTUAL BACKGROUND

Law enforcement executed 'Operation Candy Crush' raiding stores selling CBD products. The TBI lab reports could not determine the legality of the CBD products. Prosecutors Jones and Zimmerman pushed the investigation despite officers' concerns about lack of probable cause. Sheriff Fitzhugh was briefed on the concerns but allowed the operation to proceed. Plaintiffs were arrested and charged, but charges were later dismissed. The complaint alleged false arrest, unlawful seizure, malicious prosecution, equal protection violation, and conspiracy.

PROCEDURAL HISTORY

Plaintiffs filed a 42 U.S.C. § 1983 and § 1985 action alleging Fourth and Fourteenth Amendment violations. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) claiming absolute and qualified immunity. The district court denied the motions. Defendants appealed.

DISPOSITION

affirmed in part, reversed in part