

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Rene Valdivia; Alexis Free v. Derek Porsch; Gabriel Christensen;
Derick Seaton; Coby Gust; Todd Johnson; City of Audubon, Iowa;
Audubon County, Iowa

Valdivia v. Porsch · No. 24-1668 · Decided January 6, 2026

SUMMARY

The United States Court of Appeals for the Eighth Circuit affirmed summary judgment for law-enforcement defendants in a 42 U.S.C. § 1983 action arising from an arrest, detention, vehicle search, and subsequent dismissal of state criminal charges. The court held that the officers had at least arguable reasonable suspicion to detain Valdivia, that the plain-view doctrine supported the vehicle search, and that probable cause or arguable probable cause supported the arrests. The court concluded that the officers were entitled to qualified immunity.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Kelly; Loken; Erickson
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	January 6, 2026
DOCKET	24-1668
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the Southern District of Iowa's grant of summary judgment to defendants in a 42 U.S.C. § 1983 action alleging Fourth Amendment and state-law violations.
STANDARD OF REVIEW	The court reviewed the grant of summary judgment based on qualified immunity de novo, viewing the record in the light most favorable to the nonmoving party and drawing all reasonable inferences in that party's favor.
PRECEDENTIAL VALUE	published
PARTIES	Rene Valdivia, Alexis Free v. Derek Porsch, Gabriel Christensen, Derick Seaton, Coby Gust, Todd Johnson, City of Audubon, Iowa, Audubon County, Iowa

TOPICS

section 1983

qualified immunity

fourth amendment

search and seizure

appellate procedure

PRACTICE AREAS

civil rights litigation

constitutional criminal procedure

qualified immunity

appellate procedure

QUESTIONS PRESENTED

1. Whether Porsch had reasonable or arguable reasonable suspicion to detain Valdivia while officers searched for Free.
2. Whether Porsch and Seaton conducted an unconstitutional warrantless search of the vehicle because the incriminating character of the marijuana was not immediately apparent under the plain-view doctrine.
3. Whether Valdivia and Free were arrested without probable cause, and whether the officers were entitled to qualified immunity.

HOLDINGS

1. Porsch had at least arguable reasonable suspicion to detain Valdivia because Free's nighttime flight from the passenger side of the vehicle, Valdivia's inconsistent explanation, and his continued presence supported a reasonable officer's belief that Free might have been fleeing a domestic dispute.
2. The officers were entitled to summary judgment because the plain-view doctrine applied: Porsch was lawfully present, the marijuana's incriminating character was immediately apparent based on his testimony and experience, and the officers had lawful access to the vehicle.
3. Porsch had probable cause to arrest Valdivia for driving with a suspended license and possessing marijuana, while at minimum arguable probable cause supported Free's arrest for marijuana possession; qualified immunity therefore applied.

KEY QUOTATIONS

“A state official is entitled to qualified immunity unless: “(1) he violated a constitutional right, and (2) that constitutional right was clearly established so that a reasonable officer would know of the right at the time of the alleged violation.”” (at 3)

“Reasonable suspicion requires “something more than an ‘inchoate and unparticularized suspicion or hunch[,]’”” (at 4)

“Warrantless searches “are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.”” (at 5)

FACTUAL BACKGROUND

During a nighttime traffic encounter, Officer Porsch observed a car without an operating license-plate light and saw Free exit the passenger side and run away. After Valdivia gave inconsistent explanations, admitted that his driver's license was suspended, and stated that he had switched seats with Free, Porsch detained him while officers searched for Free. Porsch then observed what he identified as marijuana through the passenger-side

window, and officers searched the car, finding marijuana, methamphetamine, and drug paraphernalia. The state court suppressed the evidence and dismissed the criminal charges.

PROCEDURAL HISTORY

After state criminal charges against Valdivia and Free were dismissed following suppression of evidence, they sued the arresting officers and other defendants under § 1983 and state law. The district court granted defendants' motions for summary judgment, concluding that the relevant officers were entitled to qualified immunity on the federal claims and declining supplemental jurisdiction over some state-law claims. The Eighth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Michael v. Trevena, 899 F.3d 528, 531-32 (8th Cir.)
- Thuraiajah v. City of Fort Smith, 925 F.3d 979, 982 (8th Cir.)
- Pearson v. Callahan, 555 U.S. 223, 232 (2009)
- United States v. Hightower, 716 F.3d 1117, 1119 (8th Cir.)
- United States v. Bustos-Torres, 396 F.3d 935, 942 (8th Cir.)
- Waters v. Madson, 921 F.3d 725, 736 (8th Cir.)
- Terry v. Ohio, 392 U.S. 1, 21-22, 27 (1968)
- Graham v. Connor, 490 U.S. 386, 396 (1989)
- De la Rosa v. White, 852 F.3d 740, 745-46 (8th Cir.)
- United States v. Lemons, 84 F.4th 766, 769 (8th Cir.)
- United States v. Evans, 830 F.3d 761, 765-66 (8th Cir.)
- Coolidge v. New Hampshire, 403 U.S. 443, 454-55 (1971)
- United States v. Hayes, 75 F.4th 925, 928 (8th Cir.)
- Horton v. California, 496 U.S. 128, 136-37 (1990)
- Smith v. Kilgore, 926 F.3d 479, 484 (8th Cir.)
- Thompson v. Hubbard, 257 F.3d 896, 899 (8th Cir.)
- United States v. Smith, 990 F.3d 607, 612 (8th Cir.)
- United States v. Bynum, 508 F.3d 1134, 1137 (8th Cir.)
- United States v. Hatten, 68 F.3d 257, 261 (8th Cir.)
- Stewart v. Garcia, 139 F.4th 698, 705 (8th Cir.)
- Gilmore v. City of Minneapolis, 837 F.3d 827, 832 (8th Cir.)
- State v. Werner, 919 N.W.2d 375, 377 (Iowa)
- United States v. Haynes, 958 F.3d 709, 715 (8th Cir.)
- United States v. Mathes, 58 F.4th 990, 994 (8th Cir.)

OPINION

PER CURIAM.

United States Court of Appeals For the Eighth Circuit _____ No. 24-1668 _____ Rene Valdivia; Alexis Free Plaintiffs - Appellants v. Derek Porsch; Gabriel Christensen; Derick Seaton; Coby Gust; Todd Johnson; City of Audubon, Iowa; Audubon County, Iowa Defendants - Appellees _____ Appeal from United States District Court for the Southern District of Iowa - Western _____ Submitted: September 16, 2025 Filed: January 6, 2026 _____ Before LOKEN, KELLY, and ERICKSON, Circuit Judges. _____ KELLY, Circuit Judge.

After Rene Valdivia and Alexis Free were charged in state court with several criminal offenses, they moved to suppress evidence seized at the time of their arrest. The state court granted the motions, and all charges were dismissed. Valdivia and Free then sued the arresting officers and others pursuant to 42 U.S.C. § 1983 and state law.

The district court¹ granted the defendants’ motions for summary judgment, and Valdivia and Free appeal. We affirm. I. On October 8, 2022, Officer Porsch was on night patrol when he noticed a car without an operating license plate light driving in the opposite direction. He made a U-turn to follow it, but he did not activate his emergency lights.

After a few turns, Porsch saw the car pull over on a residential street, at which point a person—later identified as Free—got out from the passenger side and began to run. Porsch pulled up next to the driver’s side of the car and spoke to the driver—a man later identified as Valdivia. When Porsch asked why the passenger ran, Valdivia said she wanted to see a sick aunt.

Porsch then drove away to look for the passenger, circling the block. Returning to where he saw her run from the car, Porsch got out of his squad car to ask a nearby resident whether anyone had come to his home. The resident said no. Porsch then saw Valdivia standing on the sidewalk and asked him for his identification.

As he handed Porsch his driver’s license, Valdivia admitted it was suspended. Valdivia also told Porsch he had not been driving but had switched seats with the passenger. Porsch responded by saying he knew Valdivia was driving because he saw him in the driver’s seat and saw Free “get out of the passenger seat.” He also told Valdivia, “We need to find her, because that was weird.” Porsch asked Valdivia if there was “anything illegal” in the car, and Valdivia said no. Porsch then asked for the registration and insurance.

Valdivia said the car was not his, but he would try to get his friend to send copies over the phone. Porsch walked to the car, shined a flashlight through the passenger-side window, and said, “There’s marijuana in there.” Valdivia repeated that it was not his car. ¹ The Honorable Stephen H.

Locher, United States District Judge for the Southern District of Iowa. -2- Meanwhile, Deputies Derick Seaton and Gabriel Christensen arrived.

Porsch again told Valdivia they needed to find the passenger, and Christensen asked for her name. Valdivia responded that he did not “need to tell [them] her name.” Valdivia tried to reach Free by phone, but she did not answer.

After patting him down, Porsch told Valdivia he was being detained, handcuffed him, and placed him in the back of his squad car. Seaton then went on foot to look for the passenger. After several minutes, Valdivia offered to help and called out for her. A few minutes later, Seaton found her, and she was detained, handcuffed, and escorted to his squad car. When asked, Free refused to give her name.

The officers then searched the car and found marijuana, methamphetamine, and drug paraphernalia. They also found a social security card in the name of Alexis Free, who was then identified as the passenger. After all state criminal charges against them were dismissed, Valdivia and Free filed this § 1983 action, alleging violations of their Fourth Amendment rights and of state law.

The district court granted the defendants’ motions for summary judgment. On appeal, Valdivia and Free assert that the district court erred in concluding Porsch and Seaton were entitled to qualified immunity on the federal claims against them.² We address each claim in turn. II. A. We review a grant of summary judgment based on qualified immunity de novo. *Michael v. Trevena*, 899 F.3d 528, 531 (8th Cir.

2018). In doing so, we view the record in light most favorable to the non-moving party and draw all inferences in their favor. *Id.* at 532. A state official is entitled to qualified immunity unless: “(1) Valdivia and Free do not appeal the grant of summary judgment on any other claim or for any other defendant; nor do they appeal the district court’s decision to decline to exercise supplemental jurisdiction over some of the state law claims. -3- he violated a constitutional right, and (2) that constitutional right was clearly established so that a reasonable officer would know of the right at the time of the alleged violation.” *Thurairajah v. City of Fort Smith*, 925 F.3d 979, 982 (8th Cir.

2019) (citing *Pearson v. Callahan*, 555 U.S. 223, 232 (2009)). B. First, Valdivia argues that Porsch lacked reasonable suspicion to detain him while he and the other officers searched for Free. “Law enforcement officers may make an investigatory stop if they have a reasonable and articulable suspicion of criminal activity.” *United States v. Hightower*, 716 F.3d 1117, 1119 (8th Cir.

2013) (quoting *United States v. Bustos-Torres*, 396 F.3d 935, 942 (8th Cir. 2005)). “In determining whether [Porsch] possessed reasonable suspicion to conduct a temporary investigative detention, or ‘Terry stop,’ [we] look only at the information [Porsch] possessed at the time.” *Waters v.*

Madson, 921 F.3d 725, 736 (8th Cir. 2019) (first citing *Terry v. Ohio*, 392 U.S. 1, 21–22 (1968); and then citing *Graham v. Connor*, 490 U.S. 386, 396 (1989)).

Even if “we determine that [Porsch] lacked reasonable suspicion and thus conducted an unlawful Terry stop, [h]e may nonetheless be entitled to qualified immunity if [h]e had arguable reasonable suspicion—that is, if a reasonable officer in the same position could have believed [h]e had reasonable suspicion.” *Id.* (citing *De la Rosa v. White*, 852 F.3d 740, 745–46 (8th Cir.

2017)). Reasonable suspicion requires “something more than an ‘inchoate and unparticularized suspicion or hunch[.]’” *id.* (quoting *Terry*, 392 U.S. at 27), and is assessed based on the totality of the circumstances, *United States v. Lemons*, 84 F.4th 766, 769 (8th Cir. 2023) (“In evaluating whether an officer has reasonable suspicion, we consider the totality of the circumstances in light of the officer’s experience.”).

Porsch had, at a minimum, arguable reasonable suspicion. By the time Porsch detained Valdivia, he had seen Free get out of the passenger side of the car and run away, in the dark of night. Porsch told Valdivia that he found this behavior “weird” and “suspicious.” Valdivia said Free was going to see a sick aunt or her mom, but -4- when Porsch returned after circling the block, Valdivia was still there.

Based on this information, Porsch was concerned that he had come upon a “rolling domestic”—that is, a domestic dispute that was occurring in the car. See *Lemons*, 84 F.4th at 769 (identifying “time of day or night” and “the parties’ behavior when they become aware of the officer’s presence,” including “evasive behavior” and “unprovoked flight,” as factors to consider in determining whether an officer has reasonable suspicion based on the totality of the circumstances).

Valdivia counters that Porsch’s inability to articulate a specific crime he suspected had been, or was about to be, committed means he lacked reasonable and articulable suspicion. See *Waters*, 921 F.3d at 736. Even if Porsch was required to identify a specific crime, he did so here. Given Free’s flight, Valdivia’s “sick aunt” explanation, and Valdivia’s continued presence in the area—neither joining Free to visit her aunt nor leaving after dropping Free off—Porsch had arguable reasonable suspicion to believe Free was fleeing a domestic dispute.

See *Lemons*, 84 F.4th at 769. The district court did not err in granting summary judgment to Porsch on this claim. C. Next, Valdivia and Free argue that Porsch and Seaton conducted an unconstitutional warrantless search of the car. Warrantless searches “are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.” *United States v. Evans*, 830 F.3d 761, 765–66 (8th Cir.

2016) (quoting *Coolidge v. New Hampshire*, 403 U.S. 443, 454–55 (1971) (plurality opinion)). The exception at issue here is “the plain view doctrine.” See *id.* at 766. Under this exception,

officers may seize contraband without a warrant “if they are lawfully present in a place to view the object, the incriminating character of the object is immediately apparent, and the officers have a lawful right of access to the object.” *United States v. Hayes*, 75 F.4th 925, 928 (8th Cir.

2023) (citing *Horton v. California*, 496 U.S. 128, 136–37 (1990)). -5- On appeal, Valdivia and Free argue 3 that a genuine dispute of material fact remains as to whether the incriminating character of the marijuana in the car was “immediately apparent.” Porsch testified that he recognized the substance as marijuana and—contrary to Valdivia and Free’s assertion otherwise—that he relied on both his training and his experience when he did so.

Porsch’s body camera video also recorded him when he said, “There’s marijuana in there.” Valdivia and Free point out that no marijuana can be seen on Porsch’s body camera footage, but they offer nothing to substantiate the notion that Porsch did not see what he believed to be marijuana in the car. See *Smith v. Kilgore*, 926 F.3d 479, 484 (8th Cir. 2019) (“[Plaintiffs] ‘may not stave off summary judgment armed with only the hope that the jury might disbelieve witnesses’ testimony.’”) (quoting *Thompson v. Hubbard*, 257 F.3d 896, 899 (8th Cir.

2001)). The district court did not err in granting summary judgment to both officers on this claim. See *United States v. Smith*, 990 F.3d 607, 612 (8th Cir. 2021). D. Finally, Valdivia and Free argue that they were arrested without probable cause. “A warrantless arrest is consistent with the Fourth Amendment if it is supported by probable cause, and an officer is entitled to qualified immunity if there is at least ‘arguable probable cause.’” *Stewart v. Garcia*, 139 F.4th 698, 705 (8th Cir.

2025) (quoting *Gilmore v. City of Minneapolis*, 837 F.3d 827, 832 (8th Cir. 2016)). Porsch had probable cause to arrest Valdivia. Porsch saw Valdivia in the driver’s seat of a car that had just pulled over, and Valdivia admitted he had a suspended driver’s license.

In addition, Porsch saw marijuana in the car. On these 3 Valdivia and Free also contend that the two officers were not “lawfully present” at the car because it was Valdivia’s unlawful detention that “facilitated their arrival at the vehicle,” but we have already resolved this issue.

In any event, “[t]he act of looking through a car window is not a search for Fourth Amendment purposes[.]” *United States v. Bynum*, 508 F.3d 1134, 1137 (8th Cir. 2007) (citing *United States v. Hatten*, 68 F.3d 257, 261 (8th Cir. 1995)). -6- facts, there was probable cause to arrest Valdivia for driving with a suspended license—a serious misdemeanor, see Iowa Code § 321J.21; *State v. Werner*, 919 N.W.2d 375, 377 (Iowa 2018), and for possession of marijuana, see Iowa Code § 124.401(5)(a)-(e); *United States v. Haynes*, 958 F.3d 709, 715 (8th Cir.

2020) (finding probable cause to arrest the defendant after he produced a marijuana cigarette) (citations omitted). And, at the least, arguable probable cause supported Free’s arrest. By the time she was taken into custody, Porsch had found marijuana on the passenger side of the car where

Free had been sitting. This was sufficient to find Porsch had arguable probable cause to arrest Free for possession of marijuana.

See Iowa Code § 124.401(5)(a)–(e); see *United States v. Mathes*, 58 F.4th 990, 994 (8th Cir. 2023) (finding probable cause to find the defendant was in possession of methamphetamine found in a car in which she was driving).

The district court did not err in granting summary judgment to the officers on this claim. III. We affirm the judgment of the district court. _____ -7-