

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Shaheed v. Kroski

No. 19-90, 19-94, United States Court of Appeals for the Second Circuit (November 3, 2020)

SUMMARY

In this unpublished Second Circuit summary order, the court affirmed summary judgment for police officers on § 1983 false arrest, false imprisonment, and malicious prosecution claims, holding that officers had at least arguable probable cause to arrest plaintiffs for obstructing governmental administration when they refused to allow entry pursuant to a Family Court order. The court ruled that a Family Court order is equivalent to a search warrant for Fourth Amendment purposes, and that refusing to open the door to officers executing such an order constitutes physical interference, not pure speech, under N.Y. Penal Law § 195.05. The court also affirmed the jury verdict on related claims from a separate incident, rejecting challenges to the facial validity of the Family Court orders.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	JON O. NEWMAN; ROBERT A. KATZMANN; JOSEPH F. BIANCO
JURISDICTION	Federal
DECIDED	November 3, 2020
DOCKET	19-90, 19-94
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of the United States District Court for the Southern District of New York (Engelmayer, J.). The district court granted summary judgment on some claims and the rest went to trial; the jury found for defendants; the district court denied plaintiffs' motion for judgment as a matter of law or a new trial.
STANDARD OF REVIEW	We review a district court's grant of summary judgment de novo, construing the evidence in the light most favorable to the non-moving party and drawing all reasonable inferences in its favor. <i>Allianz Ins. Co. v. Lerner</i> , 416 F.3d 109, 113 (2d Cir. 2005). We review the district court's decisions on the motion in limine and motion for new trial for abuse of discretion. See <i>Nimely v. City of New York</i> , 414 F.3d 381, 392-93 (2d Cir. 2005); <i>Leopold v. Baccarat, Inc.</i> , 174 F.3d 261, 269 (2d Cir. 1999).

PRECEDENTIAL VALUE	Unpublished
PARTIES	Daghrib Shaheed, Waheedah Shaheed v. Stephan Kroski, New York City Police Officer; Paul Bliss, New York City Police Officer; Jonathan Rodriguez, New York City Police Officer; Lydia Figueroa, New York City Police Officer; City of New York

TOPICS

summary judgment

standard of review

appellate procedure

fourth amendment

probable cause

qualified immunity

section 1983

false imprisonment

PRACTICE AREAS

civil rights

appellate procedure

false arrest

QUESTIONS PRESENTED

1. Whether the district court properly granted summary judgment on the false arrest, false imprisonment, and malicious prosecution claims arising from the June 29-30 incident based on arguable probable cause for obstructing governmental administration.
2. Whether the district court erred in entering judgment for defendants on the false arrest and false imprisonment claims arising from the June 6 incident, including the jury instructions and denial of motion for new trial.

HOLDINGS

1. The district court correctly granted summary judgment because the officers had at least arguable probable cause to believe that plaintiffs had obstructed governmental administration.
2. The district court did not err; the Family Court orders authorized entry and the plaintiffs' arguments provide no basis for reversal.

KEY QUOTATIONS

“A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act” (at 4)

“In child-abuse investigations, a Family Court order is equivalent to a search warrant for Fourth Amendment purposes.” (at 4)

“purely verbal interference may not satisfy the 'physical' component under Penal Law § 195.05.” (at 5)

“it is no crime to refuse to open a door to police officers.” (at 5)

“When she refused to leave the car, it was reasonable for [the officers] to construe her actions as ‘interference.’” (at 6)

FACTUAL BACKGROUND

The Shaheeds brought §1983 claims arising from two incidents where police officers entered their apartment. The first incident occurred on June 6, 2012, and the second on June 29-30, 2012. The officers had Family Court orders authorizing entry. The Shaheeds refused to open the door, leading to their arrest for obstructing governmental administration. The district court granted summary judgment on some claims and the jury rejected the remaining claims.

PROCEDURAL HISTORY

The district court whittled down these claims at the motion to dismiss, summary judgment, and trial stages. The Shaheeds’ remaining claims were rejected by the jury, and the district court then denied the Shaheeds’ motion for judgment as a matter of law or a new trial.

DISPOSITION

affirmed

CASES CITED

- Taylor v. Harbour Pointe Homeowners Ass'n, 690 F.3d 44 (2d Cir. 2012)
- Amnesty Am. v. Town of W. Hartford, 361 F.3d 113 (2d Cir. 2004)
- Allianz Ins. Co. v. Lerner, 416 F.3d 109 (2d Cir. 2005)
- Betts v. Shearman, 751 F.3d 78 (2d Cir. 2014)
- Cerrone v. Brown, 246 F.3d 194 (2d Cir. 2001)
- Southerland v. City of New York, 680 F.3d 127 (2d Cir. 2012)
- Nicholson v. Scoppetta, 344 F.3d 154 (2d Cir. 2003)
- Tenenbaum v. Williams, 193 F.3d 581 (2d Cir. 1999)
- Matter of Davan L., 689 N.E.2d 909 (N.Y. 1997)
- People v. Offen, 408 N.Y.S.2d 914 (Crim. Ct. 1978)
- People v. Paige, 911 N.Y.S.2d 176 (App. Div. 3d Dep't 2010)
- People v. Nesbitt, 894 N.Y.S.2d 545 (App. Div. 3d Dep't 2010)
- Lennon v. Miller, 66 F.3d 416 (2d Cir. 1995)
- Nimely v. City of New York, 414 F.3d 381 (2d Cir. 2005)
- Leopold v. Baccarat, Inc., 174 F.3d 261 (2d Cir. 1999)

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