

No. __-__

IN THE
Supreme Court of the United States

PATRICK HARRINGTON AND JASON BISS,
Petitioners,

v.

RANDALL MARTIN,
Respondent.

**On Petition for Writ of Certiorari
to the United States Court of Appeals for
the Seventh Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Facing a hearing over allegations of excessive force, deputy sheriff Randall Martin negotiated a written agreement with the Sheriff and resigned his employment in exchange for withdrawal of the merit board charges and a neutral employment reference. The day Martin's resignation became effective, two state prosecutors made *Brady/Giglio* disclosures that reported Martin had used excessive force and provided false, misleading, or improper information. The prosecutors, who were not parties to Martin's agreement with the Sheriff, provided the *Brady/Giglio* disclosures to one of Martin's prospective employers (a town employing him for law-enforcement work).

When Martin sued the prosecutors on a claim that they conspired with the Sheriff to violate his right to due process in continued public employment, the district court held that the prosecutors were entitled to qualified immunity. On appeal, Martin did not argue that clearly established law made the disclosures unlawful; Martin maintained that this case was, "above all, novel." App., *infra*, 38a (citation omitted). But the Seventh Circuit denied qualified immunity to the prosecutors on the ground that there is a "right not to be induced into resigning from public employment through material misrepresentations." App., *infra*, 22a. It did not cite any case applying that general rule to similar facts. The question presented is:

Whether the decision below conflicts with this Court's clear, repeated admonitions that lower courts must define clearly established rights with specificity and adhere to the principle of party presentation.

PARTIES TO THE PROCEEDING

Petitioners are Tippecanoe County Prosecutor Patrick Harrington and Chief Deputy Jason Biss, who were defendants and appellees below. The State of Indiana, the Tippecanoe County Board of Commissioners, and Tippecanoe County Sheriff Robert Goldsmith were defendants and appellees below.

Respondent is Randall Martin, who was the plaintiff and appellant below.

RELATED PROCEEDINGS

The following proceedings are related to this case within the meaning of Rule 14.1(b):

- *Martin v. Goldsmith*, No. 2:22-cv-226-PPS-APR (N.D. Ind.) – Judgment entered on May 30, 2023;
- *Martin v. Goldsmith*, No. 23-2277 (7th Cir.) – Judgment entered on December 31, 2025; and
- *Martin v. Goldsmith*, No. 79D01-2306-CT-140 (Ind. Super. Ct.).

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INTRODUCTION

This case presents a regrettably familiar scenario: a lower court has once again denied qualified immunity to public officials without identifying any case holding that it violates the Constitution for public officials to “tak[e] similar actions in similar circumstances.” *Zorn v. Linton*, 146 S. Ct. 926, 931 (2026) (per curiam). This Court should correct that error.

OPINIONS BELOW

The opinion of the court of appeals (App., *infra*, 1a–23a) is reported at 163 F.4th 1046. The opinion of the district court (App., *infra*, 24a–42a) is unreported but available at 2023 WL 3737048.

STATEMENT OF JURISDICTION

The court of appeals entered judgment on December 31, 2025, and denied a timely filed petition for rehearing and rehearing en banc on March 4, 2026. App., *infra*, 43a–44a. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The underlying claim arises under Section 1 of the Fourteenth Amendment to the United States Constitution, which provides in relevant part: “[N]or shall any State deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1.

STATEMENT OF THE CASE

I. Factual Background

The lower courts took the following allegations as true for purposes of this case. Randall Martin was a

deputy with the Tippecanoe County Sheriff's Office. App., *infra*, 3a. "In late 2020, Martin allegedly used excessive force while conducting arrests of two people." *Id.* The Tippecanoe County Sheriff, Robert Goldsmith, suspended Martin pending the outcome of an internal-affairs investigation. *Id.* To contest the allegations, Martin invoked his right to a public hearing before the Tippecanoe County Sheriff's Merit Board. *Id.*; see Ind. Code § 36-8-10-11(a).

After requesting a merit board hearing, Martin came to believe that the internal-affairs investigation would be "biased and the hearing unfair." App., *infra*, 3a. According to Martin, Sheriff Goldsmith had replaced the "administrative personnel that ran internal affairs with new officers, one of whom the sheriff selected for his political loyalty," and had reconstituted the Merit Board with "the sheriff's own 'hand-picked' choices." *Id.* at 4a. Meanwhile, Sheriff Goldsmith allegedly issued "embarrassing and humiliating" press releases to local media about the excessive-force allegations, and referred the matter to Tippecanoe County Prosecutor Patrick Harrington and his Chief Deputy, Jason Biss, for possible criminal prosecution. *Id.*

Martin decided to resign. App., *infra*, 4a. His counsel negotiated a written resignation agreement with the Sheriff. *Id.* The "Agreement to Resolve Employment Status" provided that Martin would resign and withdraw his request for a hearing in exchange for "[t]he Sheriff accept[ing] Martin's resignation," "withdraw[ing] the charges," and "provid[ing] a neutral reference to prospective employers." D. Ct. Dkt. 1-1 at 1. Martin and Sheriff Goldsmith represented that their

agreement “constitute[d] the complete agreement of the parties on all issues relating to the employment of Randy Martin,” and that “no promises or inducements to either party” had been made that were “not specifically addressed” in the written agreement. *Id.* at 3–4. The parties signed the agreement, and Martin resigned effective May 3, 2021. App., *infra*, 4a.

The same day Martin resigned, prosecutors Harrington and Biss shared the results of the internal-affairs investigation through *Brady/Giglio* disclosures. App., *infra*, 5a–6a. Specifically, the prosecutors filed form disclosures in dozens of criminal cases in which Martin was a witness, disseminated an unsigned form disclosure to the Tippecanoe County Bar Association, and emailed the form disclosure to the Town of Dayton, which employed Martin part time as a law-enforcement officer. *Id.* at 6a–7a. The disclosures reported that the Sheriff’s Office had concluded that Martin had repeatedly “used unnecessary force,” had caused “inaccurate, misleading, or improper” information about the incident to be entered into official reports, and had accessed body-camera footage “on multiple occasions for personal reasons,” in violation of binding rules and regulations. D. Ct. Dkt. 1-2 at 1.

Martin believes that the Town of Dayton and the Town of Flora declined to offer him full-time employment as a law-enforcement officer because of the disclosures. App., *infra*, 6a–7a. Martin has been unable to find gainful employment since. *Id.* at 7a.

II. Procedural Background

A. District court proceedings

In August 2022, Martin filed this suit against Prosecutor Harrington, Chief Deputy Prosecutor Biss, Sheriff Goldsmith, and the State of Indiana. App., *infra*, 7a, 25a. As relevant here, Martin alleged a conspiracy to deprive him of public employment without due process. *Id.* He alleged that the Sheriff had pressured Martin into signing the resignation agreement by assigning officers to the investigation and Merit Board who would be unfavorable to Martin, and that the prosecutors had conspired with Goldsmith to delay the *Brady/Giglio* disclosures until after Martin had resigned and given up his state-law right to a hearing over the allegations. D. Ct. Dkt. 1 ¶¶ 94–97. Defendants moved to dismiss. App., *infra*, 25a.

The district court granted the motion to dismiss, holding that Martin had failed to state a claim for a deprivation of procedural due process and that the prosecutors were immune from a damages suit regardless. App., *infra*, 25a. The court explained that the prosecutors were “entitled to absolute immunity for acts taken within the scope of their prosecutorial roles,” which included making *Brady/Giglio* disclosures in criminal cases, to the bar association, and quite possibly to Martin’s prospective employers. *Id.* at 30a–36a. It observed that the disclosures allowed “other members of the legal community—prosecutors and defense lawyers alike—[to] better determine whether to use Martin in trials, and weigh the credibility of any future testimony.” *Id.* at 36a.

The district court alternatively held that, even if absolute immunity did not shield the prosecutors

from liability, qualified immunity did. App., *infra*, 36a–37a. “There is simply no caselaw holding [that] the disclosures in this case violate a police officer’s clearly established constitutional right to be free from being subject to a disclosure disseminated to the local bar association or his employer.” *Id.* at 38a. Indeed, the court observed, Martin’s position on qualified immunity was “entirely self-defeating”: Martin argued that the circumstances of this case are, “above all, novel.” *Id.* (quoting D. Ct. Dkt. 45 at 7). And the district court noted, it is difficult to see how Martin “has stated a due process claim against [the prosecutors]” for depriving him of continued employment when they did not employ Martin. *Id.* at 39a.

B. The Seventh Circuit’s decision

The Seventh Circuit reversed in relevant part. App., *infra*, 2a. The court held that the prosecutors had absolute immunity for filing the *Brady/Giglio* disclosures in criminal cases in which Martin was a witness, but not for making disclosures to the local bar association or to Martin’s current or prospective employers. *Id.* at 16a–18a. As for qualified immunity, Martin had not argued that the prosecutors’ actions violated clearly established law. But the Seventh Circuit held that the prosecutors were not entitled to qualified immunity either. *Id.* at 21a–22a.

First, the court held that Martin had plausibly alleged a constitutional violation. It cited circuit precedent for the proposition that “a *coerced* resignation may, in certain circumstances, form the basis of a due-process claim,” and “a material misrepresentation that induces resignation can constitute coercion.” App., *infra*, 20a (citing *Ulrey v. Reichhart*, 941 F.3d

255, 261–63 (7th Cir. 2019)). The court then reasoned that Martin alleged his resignation was coerced because he believed resignation would “clear[] his name” yet the prosecutors made *Brady/Giglio* disclosures. *Id.* at 20a–21a. The court did not address the fact that the prosecutors were not parties to the Sheriff’s registration agreement with Martin or that the agreement did not forbid *Brady/Giglio* disclosures.

Second, the court held that the prosecutors’ conduct violated clearly established law. App., *infra*, 21a–22a. The court did not dispute that “no case establishes that disclosing Martin’s alleged conduct under *Brady* and *Giglio* violated his constitutional rights.” *Id.* at 21a. Instead, relying again on circuit precedent, the court asserted that the “right not to be induced into resigning from public employment through material misrepresentations was clearly established.” *Id.* at 22a (citing *Spreen v. Brey*, 961 F.2d 109, 112 (7th Cir. 1992)). That meant “[a] reasonable official in Sheriff Goldsmith’s position would be on notice that making misrepresentations to induce Martin to voluntarily resign is a procedural due process violation.” *Id.* The court did not specifically address how that proposition put the prosecutors on notice.

The Seventh Circuit declined to grant rehearing and rehearing en banc. Appa, *infra*, 43a–44a.

REASONS TO GRANT THE PETITION

The court of appeals denied qualified immunity to two prosecutors for making *Brady/Giglio* disclosures based on a rationale that respondent never advanced and, in fact, disavowed. That holding warrants summary reversal for two reasons. First, the court disregarded this Court’s repeated admonition that rights

must be “define[d] . . . with a ‘high degree of specificity’”—an error for which this Court has often summarily reversed lower courts. *Zorn v. Linton*, 146 S. Ct. 926, 930 (2026) (per curiam) (quoting *District of Columbia v. Wesby*, 583 U.S. 48, 63 (2018)). Second, the Seventh Circuit compounded its error by departing from the “principle of party presentation.” *Margolin v. Nat’l Ass’n of Immigration Judges*, 608 U.S. ---, No. 25-767, 2026 WL 1463466, *2 (May 26, 2026). The court not only overlooked Martin’s failure to argue that the law was clearly established, but also his express concession that the circumstances of this case are “novel.” App., *infra*, 38a (citation omitted).

I. The Seventh Circuit Failed To Define the Right with a High Degree of Specificity

“Government officials enjoy qualified immunity from suit under § 1983 unless their conduct violates clearly established law.” *Zorn*, 146 S. Ct. at 930. A right is clearly established only if “every reasonable official would have understood that what he is doing violates” the law. *Rivas-Villegas v. Cortesluna*, 595 U.S. 1, 5 (2021) (per curiam). Or put differently, “existing law must have placed the constitutionality of the [official’s] conduct ‘beyond debate.’” *Wesby*, 583 U.S. at 63 (quoting *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011)). Thus, “[t]his demanding standard protects ‘all but the plainly incompetent or those who knowingly violate the law.’” *Id.* (quoting *Malley v. Briggs*, 475 U.S. 335, 341 (1986)).

To find that the law is clearly established, courts generally must “identify a case where an [official] acting under similar circumstances . . . was held to have violated’ the Constitution.” *Zorn*, 146 S. Ct. at 930

(quoting *Escondido v. Emmons*, 586 U.S. 38, 43 (2019) (per curiam)). The “inquiry ‘must be undertaken in light of the specific context of the case, not as a broad general proposition.’” *Rivas-Villegas*, 595 U.S. at 5 (quoting *Brosseau v. Haugen*, 542 U.S. 194, 198 (2004) (per curiam)). “The relevant precedent must define the right with a ‘high degree of specificity.’” *Zorn*, 146 S. Ct. at 930 (quoting *Wesby*, 583 U.S. at 63). A mere suggestion of a rule or general principle is not enough; rather, the “violative nature of [the] *particular* conduct [must be] clearly established.” *Ziglar v. Abbasi*, 582 U.S. 120, 151 (2017) (quoting *Mullenix v. Luna*, 577 U.S. 7, 12 (2015) (per curiam)).

The Seventh Circuit departed from this Court’s controlling precedent when it reversed the district court’s grant of qualified immunity to prosecutors Harrington and Biss. The Seventh Circuit acknowledged its obligation to identify clearly established law, App., *infra*, 21a, but its fidelity to the principle ended there. The court declared that circuit precedent recognizes a “right not to be induced into resigning from public employment through material misrepresentations.” *Id.* at 22a. But the court did not explain why this meant that the prosecutors could be held liable for making *Brady/Giglio* disclosures to the local bar association and to a town employing Martin in law enforcement—much less identify an analogous case holding that the prosecutors’ disclosures violated due process. The court’s analysis started and stopped with a generic statement about coerced resignations.

It is no surprise the Seventh Circuit was unable to identify an analogous case. Neither the parties nor

the district court were able to do so either. As the district court pointedly observed, there “is a dearth of law on point about the present situation, where a *Brady/Giglio* disclosure is shared with multiple entities after a police officer voluntarily resigned his position to bring an investigation to a close.” App., *infra*, 38a. “There is simply no caselaw holding the disclosures in this case violate a police officer’s clearly established constitutional right to be free from being subject to a disclosure disseminated to the local bar association or his employer.” *Id.* In the absence of any case holding that the Constitution prohibits an official “taking similar actions in similar circumstances,” the prosecutors should not be subjected to the travails of litigation and trial. *Zorn*, 146 S. Ct. at 931.

The court of appeals did not contend that any of the three cases it cited are analogous to this case. Nor are they. In *Ulrey v. Reichhart*, 941 F.3d 255 (7th Cir. 2019), the Seventh Circuit stated that a public employee might have a coerced-resignation claim if put to the choice of “resign[ing] or suffer[ing] severe consequences, such as facing criminal charges.” *Id.* at 261 (citation omitted). But *Ulrey* did not hold that any conduct similar to the conduct in this case violated due process. To the contrary, it *rejected* a teacher’s claim that a supervisor had coerced her into resigning by “threaten[ing] to fire” her. *Id.* at 263.

The decision below also cited *Dusanek v. Hannon*, 677 F.2d 538 (7th Cir. 1982), in passing, relegating the case to a “see also” citation. See App., *infra*, 22a. But that case, too, *rejected* a due-process claim by a teacher who alleged a coerced resignation. See 677 F.2d at 543. It, like *Ulrey*, held that a teacher is not

coerced into resigning when given “a choice between resigning or facing proceedings for dismissal”—much as Martin was. *Id.* Nothing in the case suggests that prosecutors can be held liable for their disclosure of officer misconduct if an officer employed by a different official later believes his direct superior misled him. That is why the Seventh Circuit was forced to admit its precedents merely indicate that “a *coerced* resignation may, in certain circumstances, form the basis of a due-process claim.” App., *infra*, 20a.

Of the three cases cited by the decision below, only *Spreen v. Brey*, 961 F.2d 109 (7th Cir. 1992), found a constitutional violation. In that case, the court permitted an individual to pursue a claim against her former employer on the theory that the employer “misled Plaintiff into resigning her employment” by falsely leading her to believe that she would “lose benefits” if she did not resign. *Id.* at 112. But that case, which addressed *an employer’s* misrepresentations prior to a resignation, does not hold that a *third party* can be held liable for post-resignation conduct. And the Seventh Circuit did not contend *Spreen* did. As the district court noted, there is no precedent establishing that the prosecutors—who “aren’t Martin’s actual employer”—can be held liable for after-the-fact circulation of *Brady/Giglio* disclosures. App., *infra*, 39a.

Recasting Martin’s claim against the prosecutors as a conspiracy to deny him procedural due process does not solve the generality problem for two independent reasons. First, neither Martin nor the court cited any case holding that post-resignation conduct by a public official employed by a different govern-

ment agency may violate due process under a conspiracy theory of liability. Second, even if one disregards that lack of precedent, there is no clearly established law holding that making *Brady/Giglio* disclosures after signing a resignation agreement like the one here violates due process. The most the Seventh Circuit could say is that the conduct here violates the “right not to be induced into resigning from public employment through material misrepresentations.” App., *infra*, 22a. But “[p]rinciples stated generally” do not put a matter “beyond debate.” *Zorn*, 146 S. Ct. at 930 (quoting *Rivas-Villegas*, 595 U.S. at 5).

This case illustrates why. In resigning, Martin entered into a written agreement with the Sheriff in which the parties represented that the agreement “constitute[d] the complete agreement of the parties on all issues relating to the employment of Randy Martin,” and “no promises or inducements to either party” had been made that were “not specifically addressed” in the agreement. D. Ct. Dkt. 1-1 at 3–4. The agreement itself only provided that “[t]he Sheriff” would “withdraw[] the charges” against Martin and “provide a neutral reference to prospective employers.” *Id.* at 1. It did not prohibit *Brady/Giglio* disclosures, or impose obligations on the prosecutors, who did not sign it. Yet the Seventh Circuit held that *Brady/Giglio* disclosures made by the prosecutors could form the basis for a due-process claim because Martin believed that the agreement “would effectively ‘clear[] his name,’” App., *infra*, 20a—even though no such sweeping promise appears in what Martin agreed was the parties’ complete agreement.

It cannot be that a general rule against coerced resignations puts prosecutors on notice that they face personal liability if they make *Brady/Giglio* disclosures about officer misconduct that an officer believes to violate the spirit—but not the letter—of a written agreement between the officer and his supervisor. As this Court has admonished, the alleged right must be defined with a “high[er] degree of specificity.” *Zorn*, 146 S. Ct. at 930 (quoting *Wesby*, 583 U.S. at 63). An official must be able to “‘read’ the relevant precedent beforehand and ‘know[]’ that it prescribed [his] specific conduct.” *Id.* (quoting *City & Cnty. of San Francisco v. Sheehan*, 575 U.S. 600, 616 (2015)). The prosecutors did not have that opportunity in this case.

II. The Seventh Circuit Disregarded the Party-Presentation Principle

What makes the Seventh Circuit’s rationale for denying qualified immunity more remarkable still is that the court developed it *sua sponte*. In the federal system, the courts are “essentially passive instruments of government” that are to decide “only the questions presented” to them by the parties. *Margolin*, 2026 WL 1463466, at *2 (quoting *United States v. Sineneng-Smith*, 590 U.S. 371, 375–76 (2020)). “To put it plainly, courts ‘call balls and strikes’; they don’t get a turn at bat.” *Clark v. Sweeney*, 607 U.S. 7, 9 (2025) (per curiam) (quoting *Lomax v. Ortis-Marquez*, 590 U.S. 594, 599 (2020)). This Court thus will summarily reverse lower courts that grant relief on theories the parties did not advance. *See Margolin*, 2026 WL 1463466, at *2; *Clark*, 607 U.S. at 9–10.

The Seventh Circuit did not “adhere to the principle of party presentation” here. *Margolin*, 2026 WL

1463466, at *2. In the district court and on appeal, Martin never explained what specific right was clearly established or what decision supposedly put the constitutional issue “beyond debate.” *Wesby*, 583 U.S. at 63 (quoting *al-Kidd*, 563 U.S. at 741). Rather, Martin advanced an “entirely self-defeating” argument: He insisted that his constitutional claim was, “above all, novel.” App., *infra*, 38a (quoting D. Ct. Dkt. 45 at 7). But novelty is a reason to uphold qualified immunity, not reject it. *See, e.g., Zorn*, 146 S. Ct. at 931; *Ziglar*, 582 U.S. at 153–155. A debatable position is not beyond debate.

The only other assertion Martin made was that dismissal before “development of further facts” was improper. C.A. Dkt. 33 at 8; *see* C.A. Dkt. 14 at 22–26. But there is no rule against deciding qualified immunity at the pleadings stage. *See, e.g., Ziglar*, 582 U.S. at 125, 149–55 (granting immunity at pleadings stage); *Wood v. Moss*, 572 U.S. 744, 764 (2014) (similar). Requiring public officials to gut out discovery and trial would prevent qualified immunity from serving as a shield against the burdens of litigation. *See Mitchell v. Forsyth*, 472 U.S. 511, 525–26 (1985). And Martin never explained why additional “facts” would affect the qualified-immunity analysis. The problem would remain that no clearly established *law* holds that the prosecutors violated Martin’s right to due process by making *Brady/Giglio* disclosures.

III. This Court’s Correction Is Warranted

Both separately and combined, the Seventh Circuit’s errors warrant correction. This Court “often corrects lower courts when they wrongly subject individ-

ual officers to liability,” or wrongly force public officials to endure the travails of litigation. *Sheehan*, 575 U.S. at 611 n.3; *see, e.g., Zorn*, 146 S. Ct. 926; *Rivas-Villegas*, 595 U.S. 1; *Escondido*, 586 U.S. 38; *Kisela Hughes*, 584 U.S. 100 (2018) (per curiam); *Ziglar*, 582 U.S. at 125, 149–55; *White v. Pauly*, 580 U.S. 73 (2017) (per curiam). Correction is no less important here. Allowing the Seventh Circuit’s decision to stand will mean that two prosecutors must now face the burdens of discovery, motions practice, and possibly, trial, despite the absence of any case establishing that their conduct is unlawful. That distraction from their core responsibility of enforcing criminal laws will be contrary to the public interest.

Nor can other practical consequences be ignored. Indiana law now *requires* prosecutors to take the very actions that the Seventh Circuit deemed to violate due process. Specifically, prosecutors who determine that officers used excessive force or committed intentional acts of dishonesty must place the officer on a *Brady/Giglio* list, and inform an officer’s employers of the determination. Ind. Code §§ 33-39-12-4, 33-39-12-5. The Seventh Circuit’s decision, however, discourages communication between law enforcement and prosecutors over officer misconduct—lest the prosecutor subsequently face due-process claims.

What is more, the Seventh Circuit’s decision threatens to turn ordinary state-law contractual disputes into § 1983 claims. The decision allowed Martin to pursue a theory that prosecutors could be held liable for a due-process violation because Martin believed resigning would get him more than what was promised in his resignation agreement and would

“clear[] his name.” App., *infra*, 20a; *see* pp. 11, *supra*. But whether the disclosures constituted a breach of the agreement is a quintessential question of state law, as is whether a party can pursue a tort claim for conduct covered by a written agreement. *See, e.g., Greg Allen Const. Co., Inc. v. Estelle*, 798 N.E.2d 171, 173–74 (Ind. 2003) (explaining that a party cannot reframe a breach of contract as a tort). Not every “breach of contract by the government . . . give[s] rise to a constitutional claim.” *Taake v. Cnty. of Monroe*, 530 F.3d 538, 541 (7th Cir. 2008) (citation omitted).

Course correction is needed. The decision below disregards this Court’s precedents by invoking a general legal rule about coerced resignations to deny qualified immunity in a case in which the plaintiff did not argue the law was clearly established, identified no analogous precedent, and admitted the circumstances are “novel.” App., *infra*, 38a (citation omitted). Allowing the decision to stand would undermine the doctrine and function of qualified immunity. The Court should summarily reverse the decision below, or at least grant the petition, vacate the decision below, and remand for further consideration in light of the intervening decisions in *Zorn* and *Margolin*.

CONCLUSION

The Court should grant the petition and summarily reverse the Seventh Circuit’s denial of qualified immunity as to the prosecutors or, at minimum, grant the petition, vacate the decision below, and remand for further consideration in light of *Zorn* and *Margolin*.

Respectfully submitted,

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APPENDIX A
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 23-2277

RANDALL N. MARTIN,
Plaintiff-Appellant,

v.

ROBERT A. GOLDSMITH, *et al.*,
Defendants-Appellees.

Appeal from the United States District Court for
the Northern District of Indiana, Hammond Division.
No. 2:22-CV-226 — Philip P. Simon, Judge.

ARGUED FEBRUARY 23, 2024 — DECIDED
DECEMBER 31, 2025

Before SCUDDER, JACKSON-AKIWUMI, and
PRYOR, *Circuit Judges.*

(1a)

PRYOR, *Circuit Judge*. Randall Martin, a former lieutenant with the Tippecanoe County Sheriff's Office, faced allegations of excessive force. He agreed to resign from his post and waive his hearing before the merit board. In return, the sheriff—Robert Goldsmith—promised to give Martin a neutral reference letter and withdraw pending disciplinary charges.

In the days that followed Sheriff Goldsmith's promise, however, Sheriff Goldsmith and two county prosecutors—Patrick Harrington and Jason Biss—broadly shared the excessive-force allegations with would-be employers and the legal community in Tippecanoe County. These disclosures essentially rendered Martin unemployable as a police officer. And, according to Martin, that was the whole plan: Harrington, Biss, and Goldsmith conspired to induce Martin to resign his position—and waive his due process rights—with every intention of disseminating the excessive-force allegations against him.

Martin sued, alleging that Goldsmith, Harrington, and Biss coerced him into resigning in violation of Martin's rights under state law and his procedural due process rights under the Fourteenth Amendment of the United States Constitution. The district court dismissed Martin's claims. It found absolute and qualified immunity protected the prosecutors. The court also determined that the sheriff could not be liable for violations of Martin's due process rights as Martin had voluntarily given them up by resigning.

For the reasons we discuss below, we reverse in part, affirm in part, and remand for further proceedings.

I. BACKGROUND

The following facts come from Martin’s complaint. At this stage in the case, we accept Martin’s allegations as true and draw all plausible inferences in his favor. *Martin v. Haling*, 94 F.4th 667, 671 (7th Cir. 2024).

A. Factual History

The events giving rise to this lawsuit start in 2018, when Robert Goldsmith was elected as the Sheriff of Tippecanoe County. Several deputies within the Sheriff’s Office supported Goldsmith’s candidacy. Lieutenant Randall Martin, however, was not one of those officers. In fact, Martin reported his colleagues for unlawfully campaigning for Goldsmith while in uniform. Martin maintained that his colleagues’ campaigning violated both the department code and state law. In November of that year, Goldsmith was elected sheriff, and he took office in January 2019.

In late 2020, Martin allegedly used excessive force while conducting arrests of two people. Although neither of the arrested individuals complained about Martin, Sheriff Goldsmith initiated an internal affairs investigation and suspended Martin pending its outcome. Martin invoked his statutory right to a public hearing on the charges before the Tippecanoe County Sheriff’s Merit Board, *see* IND. CODE § 36-8-10-11(a), and was issued hearing dates of April 29–30, 2021.

Martin alleges that in the lead-up to the hearing, Sheriff Goldsmith took steps to ensure that the investigation would be biased and the hearing unfair. As for the preliminary investigation, Sheriff Goldsmith

replaced the administrative personnel that ran internal affairs with new officers, one of whom the sheriff selected for his political loyalty. Also, one of the officers Martin had filed a complaint against was assigned to conduct the investigation and thus had a motive to seek retribution. As for the merit board, Sheriff Goldsmith allegedly manipulated its composition by replacing members who traditionally had been favorable to Martin with the sheriff's own "hand-picked" choices.

The looming merit board hearing was not Martin's only concern. Sheriff Goldsmith had started a campaign against Martin by issuing "embarrassing and humiliating" press releases to local media outlets. Sheriff Goldsmith also collaborated with two county prosecutors—Patrick Harrington and Jason Biss—to refer the excessive force issue to a special prosecutor for criminal prosecution.

Facing biased investigators, a loaded merit board, poor publicity, and the threat of criminal charges, Martin offered to resign from his position. Through counsel, Martin approached Sheriff Goldsmith, offering to leave the force on the condition that the departmental excessive force allegations be withdrawn. Sheriff Goldsmith accepted the offer. The "Agreement to Resolve Employment Status" that both parties signed on April 28, 2021, formalized that the pending charges before the merit board would be withdrawn. It also stated that Sheriff Goldsmith would provide a "neutral reference" to Martin's prospective employers and note only that Martin resigned "for personal reasons." Per the agreement, Martin resigned on May 3, 2021.

While he was employed as a lieutenant in the Tippecanoe County Sheriff's Office, Martin also worked part-time as a marshal with the Town of Dayton, Indiana, and he believed that resigning under the terms of the Agreement would allow him to transition into a full-time job as a Deputy Marshal with the Town of Dayton.

Things did not go as planned. On the same day that Martin's resignation became effective, county prosecutors Harrington and Biss shared the details of the investigation into Martin through multiple outlets. Martin claims this action violated the Agreement with Sheriff Goldsmith. He further alleges that it was part of a planned scheme concocted by the prosecutors and Sheriff Goldsmith to convince Martin to give up his right to a hearing.

The prosecutors shared the details of the investigation into Martin through so-called *Brady/Giglio* disclosures. These disclosures are named after two Supreme Court cases—*Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972)—which obligate prosecutors to disclose exculpatory and impeachment evidence with the defense in criminal proceedings.

The prosecutors' *Brady/Giglio* disclosures contained various allegations. They noted, for example, that Martin unnecessarily tased and pepper sprayed two individuals in late 2020. The disclosures also stated Martin later completed a report of the incident that was inconsistent with his bodycam footage. Martin denies these allegations, alleges that they have never been proven, and claims that the prosecutor's

office never even spoke to him about them. Regardless, the prosecutors shared these disclosures in three ways.

First, the prosecutors disseminated the unsigned *Brady/Giglio* disclosure to members of the Tippecanoe County Bar Association on May 3, 2021, the day Martin's resignation became effective. The disclosure to the Bar Association contained the information about Martin's use of force, but it appeared to be a template. The disclosure had blanks for the name of the prosecutor, the name of the defendant, and the cause number.

Second, that same day, the prosecutors emailed the disclosure to the Town of Dayton, Martin's part-time employer and potential full-time employer. In the email, Biss warned Martin's supervising officer that prosecutors would face difficulty in bringing claims against suspects arrested by Martin. Biss maintained that Martin's testimony as a key witness would be "unusable—proving disastrous to our success on a conviction." Martin contends that because of that email, he was suspended from his part-time position with the Town of Dayton and never received an offer for a full-time job.

Third, more than a week later, on May 11, 2021, the prosecutors filed *Brady/Giglio* disclosures in dozens of cases in which Martin was an arresting officer. Sometime later, Martin was rejected from consideration as a law enforcement officer for the Town of Flora, Indiana, an out-of-county municipality, despite previously being proactively recruited by the town. Martin believes this was, at least in part, because Sheriff Goldsmith, in concert with the prosecutors,

provided the Town of Flora with “false, misleading[,] and defamatory information” about Martin during his application process. Now, Martin maintains he cannot find comparable gainful employment, either as a law enforcement officer or otherwise.

B. Procedural History

In August 2022, Martin filed a nine-count complaint against Sheriff Goldsmith and the two prosecutors, Harrington and Biss. Eight of the nine counts arose under Indiana law, including claims for breach of contract and defamation. The remaining claim, brought under 42 U.S.C. § 1983, alleged a conspiracy to pressure Martin into resigning from his job and foreclose his chance to find future employment, all without due process, in violation of the Fourteenth Amendment to the United States Constitution.

The district court later granted the defendant’s motion to dismiss.¹ The court determined that the prosecutors were entitled to a combination of absolute and qualified immunity.

The district court found that Harrington and Biss were protected by absolute immunity for their disclosures of Martin’s alleged conduct to the members of the Tippecanoe County Bar and in certain criminal cases. The district court then decided that this immunity likely extended to the prosecutors’ disclosures to the towns of Dayton and Flora, but that even if they

¹ See generally *Martin v. Goldsmith*, No. 2:22-CV-226, 2023 WL 3737048 (N.D. Ind. May 30, 2023).

did not, the actions were covered by qualified immunity because Martin did not have a clearly established right to prevent the disclosures.

As for the claim against Sheriff Goldsmith, the district court concluded it was without merit. The court determined that because Martin had voluntarily chose to resign, he waived any due process protections afforded to him. With the sole federal claim dismissed, the court relinquished supplemental jurisdiction over Martin’s state-law claims and dismissed them without prejudice.

This appeal followed, with the National Fraternal Order of Police filing an *amicus* brief supporting Martin.

II. ANALYSIS

We review a district court’s dismissal of a complaint on a motion to dismiss *de novo*. *Watkins v. Mohan*, 144 F.4th 926, 933 (7th Cir. 2025). To survive a motion to dismiss, the complaint must allege “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is plausible on its face “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

We review a district court’s conclusions that defendants have absolute or qualified immunity *de novo*. *See Fields v. Wharrie*, 672 F.3d 505, 510 (7th Cir. 2012); *Fosnight v. Jones*, 41 F.4th 916, 922 (7th Cir. 2022).

Martin sued Sheriff Goldsmith and prosecutors Harrington and Biss under 42 U.S.C. § 1983. This

statute lets people hold state and local officials accountable for violating the Constitution. See *id.* While nothing in the text of § 1983 provides for any immunities, *Imbler v. Pachtman*, 424 U.S. 409, 417–18, 417 n.10 (1976), the Supreme Court has long recognized that government officials “are entitled to some form of immunity from suits for damages,” *Harlow v. Fitzgerald*, 457 U.S. 800, 806 (1982). These immunities have been read into § 1983 because we read the statute “in harmony with general principles of tort immunities and defenses.” *Imbler*, 424 U.S. at 418.

Most executive officials—including police officers—have a qualified immunity from suit. *Harlow*, 457 U.S. at 807; *United States v. Stanley*, 483 U.S. 669, 694 n.12 (1987) (Brennan, J., concurring in part and dissenting in part). This protects them from civil damages unless they violated a “clearly established” right. *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (quoting *Harlow*, 457 U.S. at 818). We presume that qualified immunity “is sufficient to protect government officials in the exercise of their duties.” *Burns v. Reed*, 500 U.S. 478, 486–87 (1991).

But other government officials—legislators, judges, prosecutors, and similar officials—sometimes carry a stronger shield: an absolute immunity from liability. *Harlow*, 457 U.S. at 807. To determine whether this shield is available to the official, we “appl[y] a ‘functional approach.’” *Jones v. Cummings*, 998 F.3d 782, 787 (7th Cir. 2021) (quoting *Buckley v. Fitzsimmons*, 509 U.S. 259, 269 (1993)). This approach “looks to ‘the nature of the function performed, [and] not [to] the identity of the actor who performed it.’” *Buckley*, 509 U.S. at 269 (quoting *Forrester v. White*, 484 U.S. 219, 229 (1988)). By way of example,

a prosecutor does not get absolute immunity from liability for damages under § 1983 for everything he does. Instead, he gets it only when conducting “actions” in his role as an “advocate[].” *Rehberg v. Paulk*, 566 U.S. 356, 363 (2012). The Supreme Court has explained this is necessary to ensure that this historically important governmental function can be performed “with independence and without fear of consequences.” *Id.* (internal quotation marks and citation omitted).

Absolute immunity, however, is “strong medicine.” *Brunson v. Murray*, 843 F.3d 698, 710 (7th Cir. 2016). In some cases, it may “leave unredressed the wrongs done by dishonest officers.” *Imbler*, 424 U.S. at 428 (quoting *Gregoire v. Biddle*, 177 F.2d 579, 581 (2d Cir. 1949) (L. Hand, J.)). Given this reality, courts must be “quite sparing” in recognizing absolute immunity. *Burns*, 500 U.S. at 487 (quoting *Forrester*, 484 U.S. at 224). When a government official seeks to convince us that absolute immunity is appropriate, he “bears the burden of showing that such immunity is justified for the function in question.” *Id.* at 486; *see also Buckley*, 509 U.S. at 268. And the contours of the immunity must be drawn precisely, as it cannot extend “further than its justification would warrant.” *Burns*, 500 U.S. at 487 (citation omitted).

All of the defendants in this case—Sheriff Goldsmith and prosecutors Harrington and Biss—claim that they are immune from liability. We start by evaluating whether and to what extent the prosecutors are entitled to the heightened protection of absolute immunity. Because we conclude that some of the functions the prosecutors were alleged to perform are not protected by absolute immunity, we then decide

whether all defendants are entitled to qualified immunity.

A. Absolute Immunity for the Prosecutors

Martin alleges the prosecutors shared *Brady/Giglio* disclosures in ways that violated his constitutional rights. Harrington and Biss claim absolute immunity for these actions.

1. Absolute Immunity for Functionally Prosecutorial Conduct

Prosecutors are absolutely immune from liability for “conduct that is functionally prosecutorial; this immunity is understood to broadly cover all conduct associated with the judicial phase of the criminal process.” *Bianchi v. McQueen*, 818 F.3d 309, 316 (7th Cir. 2016); see *Van de Kamp v. Goldstein*, 555 U.S. 335, 341–43 (2009); *Burns*, 500 U.S. at 486; *Imbler*, 424 U.S. at 430. Prosecutors are therefore absolutely immune from liability for filing a criminal charge, *Foreman v. Wadsworth*, 844 F.3d 620, 624 (7th Cir. 2016), making an “incorrect legal argument to [a] state trial court,” *Sides v. City of Champaign*, 496 F.3d 820, 827 (7th Cir. 2007), or for presenting allegedly false evidence to a grand jury, *Katz-Crank v. Haskett*, 843 F.3d 641, 647 (7th Cir. 2016).

On the other hand, prosecutors are *not* entitled to absolute immunity when serving as an investigator or an administrator. *Lewis v. Mills*, 677 F.3d 324, 330 (7th Cir. 2012). This means that prosecutors do not have absolute immunity for providing legal advice to the police, *Burns*, 500 U.S. at 495–96, for firing an employee, *Swetlik v. Crawford*, 738 F.3d 818, 824–25 (7th Cir. 2013), or for giving a press conference, *Buckley*, 509 U.S. at 276–78.

The distinction between these two categories aims to free only “the *judicial process* from the harassment and intimidation associated with litigation.” *Burns*, 500 U.S. at 494 (emphasis in original). So, the absolute immunity “analysis hinges on whether the prosecutor is, at the time, acting as an officer of the court, as well as on his action’s relatedness to the judicial phase of the criminal process.” *Fields*, 672 F.3d at 510 (citing *Imbler*, 424 U.S. at 430, 431 n.33). This analysis is admittedly not always clear-cut. See *Imbler*, 424 U.S. at 431 n.33 (noting that “[d]rawing a proper line between” administrative and prosecutorial functions “may present difficult questions”).

2. *Absolute Immunity in the Brady or Giglio Context*

For more than 50 years, prosecutors have been required to disclose material, exculpatory evidence and impeachment evidence to the defense in criminal cases. *Roldan v. Stroud*, 52 F.4th 335, 338–39 (7th Cir. 2022). This obligation stems from two seminal Supreme Court cases, *Brady v. Maryland*, 373 U.S. 83, 87 (1963), and *Giglio v. United States*, 405 U.S. 150, 153 (1972).²

We have held that a prosecutor is absolutely immune for “his actions and decisions pertaining to his fulfillment of *Brady and Giglio*” in criminal cases.

² Under *Brady*, a prosecutor violates a criminal defendant’s due process rights when he fails to disclose evidence favorable to the defendant and material to guilt or punishment. 373 U.S. at 87. Under *Giglio*, a prosecutor is also required to disclose to the defense any material evidence which could undermine the reliability of a government witness. 405 U.S. at 154.

Fields, 672 F.3d at 513–14. This is because, when fulfilling his *Brady* or *Giglio* obligations, “the prosecutor acts as an officer of the court embroiled in the judicial phase of the criminal process.” *Id.* at 514. Subjecting prosecutors to financial liability for making a *Brady* or *Giglio* disclosure in court “could ‘dampen the prosecutor’s exercise of his ... duty to bring to the attention of the court ... all significant evidence suggestive of innocence or mitigation.’” *Id.* at 516 (quoting *Imbler*, 424 U.S. at 427 n.25).³

The question remains how to resolve the absolute immunity defense when a prosecutor takes another step and disseminates the *Brady* and *Giglio* information in some other way. In *Stockdale v. Helper*, the Sixth Circuit held that prosecutors did not have absolute immunity for sending *Giglio* letters to third parties. 979 F.3d 498, 501, 504–05 (6th Cir. 2020); see also *Krile v. Lawyer*, 947 N.W.2d 366, 379 (N.D. 2020);

³ The impact of *Giglio* and *Brady* is felt outside of the courtroom, too. To ensure that prosecutors have the most up-to-date information, they often maintain so-called “*Brady* lists” or “*Giglio* lists” that compile the names of officers with credibility problems. See NFOP Amicus Br. at 8–9. And many prosecutors also send “preemptive *Giglio* letters” that are meant to “in-form an officer’s employer of the state’s refusal to call an officer as a witness at any future hypothetical trial.” Jeffrey Steven McConnell Warren, *The Scarlet Letter: North Carolina, Giglio, and the Injury in Search of a Remedy*, 12 Wake Forest L. Rev. Online 24, 27 & n.16 (2022).

Beck v. Phillips, 685 N.W.2d 637, 645 (Iowa 2004).⁴ In *Stockdale*, a prosecutor sent a message to a mayor, explaining her concern with two police officers’ credibility and informing the mayor that she would file *Giglio* disclosures in cases that they were involved with. *Id.* at 501. The officers were soon fired; this message was the “sole reason” why. *Id.* at 501–02.

The Sixth Circuit reversed the grant of absolute immunity to the prosecutor for several reasons. *Id.* at 506. *First*, the prosecutor’s message was completely detached from any pending criminal case. *Id.* at 502, 504–05. Given that, the action was quite attenuated from the “initiation and conduct of a prosecution” that forms the heartland of absolute prosecutorial immunity. *Id.* at 504 (quoting *Burns*, 500 U.S. at 492). *Second*, the prosecutor’s actions were solely administrative. *Id.* at 503. *Third*, a blanket *Giglio* warning is not a part of a prosecutor’s duties. *Id.* at 504. That’s because, to trigger a *Giglio* obligation, the evidence at issue must have more than a “tenuous connection” to a pending case to be material—and this is a decision that cannot be made in a vacuum. *Id.* (quoting *Hogan v. Hanks*, 97 F.3d 189, 191 (7th Cir. 1996)). We find the analysis in *Stockdale* persuasive.

A prosecutor’s decision to communicate *Giglio* concerns outside of the judicial process is not “case-related advocacy”; instead, it’s a “generic letter about

⁴ Because § 1983 is read “in harmony with general principles of tort immunities and defenses,” *Imbler*, 424 U.S. at 418, these state-court decisions are relevant to the extent they shed light on how absolute immunity for prosecutors has been understood writ large.

generic cases.” *Stockdale*, 979 F.3d at 504–05. In other words, the prosecutors are “merely advising [local law enforcement],” *Beck*, 685 N.W.2d at 646, or only “acting in an administrative capacity,” *Krile*, 947 N.W.2d at 379, both things that are unprotected by absolute immunity, *Buckley*, 509 U.S. at 270.

Bearing in mind that absolute immunity cannot extend “further than its justification would warrant,” we conclude that absolute immunity would not cover a prosecutor’s blanket *Brady* or *Giglio* disclosures untethered to contemplated or existing charges. *Burns*, 500 U.S. at 487 (citation omitted). This action, though conducted by a prosecutor, would only tenuously be “related[] to the judicial phase of the criminal process,” *Fields*, 672 F.3d at 510, and thus not “functionally prosecutorial,” *Bianchi*, 818 F.3d at 316, falling outside the bounds of absolute immunity.

3. Brady/Giglio Disclosures

With this legal background, we turn now to the case at hand. Martin alleges that, after he resigned from his position, two prosecutors, Harrington and Biss, broadly distributed a “*Brady/Giglio* disclosure” document that stated that Martin used excessive force when conducting an arrest and then seemingly tried to cover it up with misleading police reports. Martin’s allegations center on four different prosecutorial disclosures:

- (1) Cases in which Martin was an arresting officer;
- (2) With the Tippecanoe County Bar Association;
- (3) With the Town of Dayton, Martin’s part-time (and potential full-time) employer; and

- (4) With the Town of Flora, Martin’s potential prospective employer.⁵

The district court determined that the prosecutors’ first two types of disclosures—in criminal cases and with the bar association—were entitled to absolute immunity. The court suggested, but did not hold, that the dissemination to Martin’s current and potential employers would also be entitled to absolute immunity.

We agree with the district court as to the disclosures in criminal cases where Martin was involved. The prosecutors’ decision to file *Brady* or *Giglio* disclosures in criminal cases is “intimately associated with the judicial phase of the criminal process.” *Imbler*, 424 U.S. at 430; *Fields*, 672 F.3d at 513–14 (“*Brady* and *Giglio* violations breach a defendant’s trial rights and are, thus, inherently prosecutorial in nature.”). Absolute immunity for making these *Brady/Giglio* disclosures is therefore “justified for the function in question.” *Burns*, 500 U.S. at 487. This is the case even if the prosecutors’ motives in making these disclosures were vindictive or malicious. *See Tobey v. Chibucos*, 890 F.3d 634, 649–50 (7th Cir. 2018)

⁵ In his complaint, paragraphs 44 and 45, Martin alleged that only Sheriff Goldsmith—and not the prosecutors—shared the disclosure with the Town of Flora. When asked about this at oral argument, however, Martin’s counsel claimed that the allegation is “broad-based enough to cover ... the actions of the prosecutors because they are the ones that helped draft this template disclosure.” Oral Arg. at 5:48–6:01. We leave it to the parties to substantiate or rebut this assertion in discovery.

(stating that “motives are irrelevant to the absolute immunity question”).

Turning next to the prosecutors’ *Brady/Giglio* disclosures with the Tippecanoe County Bar Association, the prosecutors argue that their goal in doing this was to make the information about Martin “known to attorneys prosecuting or defending cases in the county.” Regardless of the merits of this justification, it bears only scant “relatedness to the judicial phase of the criminal process.” *Fields*, 672 F.3d at 510. Absolute immunity extends to actions involving the initiation of a prosecution, the presentation of the state’s case in court, or actions preparatory for these functions. *Buckley*, 509 U.S. at 278. The disclosure here had no obvious connection to any active criminal cases. Moreover, it was sent to a broad group of lawyers, many of whom appear to have no connection to criminal law. The disclosure “may well have been an act of advocacy; it just wasn’t case-driven advocacy.” *Stockdale*, 979 F.3d at 502.

Next is Prosecutor Biss’s disclosure to the supervising police officer of the Town of Dayton, Martin’s part-time employer and potential future full-time employer. Biss told the officer that the information in the disclosure would have major impacts on the ability for the county prosecutors to prosecute suspects arrested by Martin. Martin’s testimony, Biss asserted, would be “unusable.”

This type of disclosure, unrelated to contemplated or existing charges, is not “functionally prosecutorial.” *Bianchi*, 818 F.3d at 316. Even in the prosecutors’ brief, they refer to this decision as “advising a law enforcement agency” within their county about

Martin’s viability as a witness. But “advising the police,” does not “qualif[y] for absolute immunity.” *Burns*, 500 U.S. at 493; see *Beck*, 685 N.W.2d at 645 (“[A] prosecutor’s mere act of advising police is not a function to which absolute immunity attaches.”); *Stockdale*, 979 F.3d at 503 (holding that absolute immunity did not attach when disclosure of *Brady/Giglio* information did not “serve a traditional advocacy function”).

The same goes for the prosecutors’ involvement in sharing the *Brady/Giglio* disclosure with the Town of Flora, where Martin had hoped to be hired. We cannot see any prosecutorial function here at all. Flora is not in Tippecanoe County, so the county prosecutors would not charge crimes arising out of there.⁶ Viewed in the light most favorable to Martin, the allegations here reveal nothing more than “meddling with the hiring ... decisions” within Flora’s police department, which “simply [i]s not ‘intimately associated with the judicial phase of the criminal process.’” *Stockdale*, 979 F.3d at 502 (quoting *Imbler*, 424 U.S. at 430).

In summary, the prosecutors are entitled to absolute immunity as to their filing of *Brady/Giglio* disclosures within criminal cases. But they have not met their burden of showing that absolute immunity applies for their other *Brady/Giglio* disclosures to the Tippecanoe County Bar Association, the Town of Dayton, or the Town of Flora.

⁶ Oral Arg. at 29:31–45.

B. Qualified Immunity

We now consider whether Sheriff Goldsmith and the prosecutors (to the extent they are not absolutely immune) are entitled to qualified immunity. Qualified immunity protects government officials from civil liability to the extent that their conduct does not violate a clearly established statutory or constitutional right to which a reasonable person would have known. *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (citing *Harlow*, 457 U.S. at 818). To overcome the defense of qualified immunity, Martin must show (1) the defendants violated a constitutional right and (2) the right was clearly established at the time of the challenged conduct. *Doe v. Gray*, 75 F.4th 710, 716 (7th Cir. 2023).

1. *Constitutional Violation*

To establish step one, Martin relies on the Fourteenth Amendment, which prohibits state officials from “depriv[ing] any person of ... property, without due process of law.” U.S. CONST., amend. XIV, § 1. In Indiana, county police officers like Martin have a property interest in continued employment, as they may be fired only “for cause.” IND. CODE § 36-8-10-11(a); *Marion Cnty. Sheriff's Merit Bd. v. Peoples Broad. Corp.*, 547 N.E.2d 235, 239 (Ind. 1989) (“That statute creates a legitimate claim of entitlement by the sheriff deputies to their jobs.”). So, the critical question is therefore whether Martin got all the process he was due before being deprived of this property interest.

The answer to this question hinges on whether Martin voluntarily resigned. “The general rule is that an employee who resigns—voluntarily relinquishing

h[is] interest in continued employment—may not complain of a lack of due process.” *Ulrey v. Reichhart*, 941 F.3d 255, 261 (7th Cir. 2019). But a *coerced* resignation may, in certain circumstances, form the basis of a due-process claim. *Id.* at 261–63. Notably, “a material misrepresentation that induces resignation can constitute coercion.” *Id.* at 263; *see also Spreen v. Brey*, 961 F.2d 109, 112–13 (7th Cir. 1992).

Martin, accused of using excessive force, initially requested a merit board hearing as permitted by Indiana law. IND. CODE § 36-8-10-11(a). He subsequently agreed to resign and forego his hearing only after Sheriff Goldsmith agreed to drop the pending departmental charges and provide a neutral reference to future employers. Martin was led to believe these provisions, which were a part of a written severance agreement, would effectively “clear[] his name.”

But unbeknownst to Martin—and just as the ink was drying on the severance agreement—the prosecutors, working in concert with Sheriff Goldsmith, shared details of Martin’s alleged use of force and inconsistent reports with the county legal community, Martin’s part-time employer, and Martin’s prospective full-time employer.

Martin’s allegations, read in the light most favorable to him, demonstrate that the defendants coerced Martin into resigning and forgoing his right to a hearing through “material misrepresentation[s].” *Ulrey*, 941 F.3d at 263. If true, these allegations—making promises they never intended to keep and immediately violating the severance agreement—suggest

that Martin’s resignation was coerced under false pretenses, which could constitute a due process violation. *Id.*

2. *Clearly Established Right*

Having established that Martin properly alleged a deprivation of his constitutional rights, we move to the next step. The question is whether Martin’s right to not be coerced into resigning was clearly established at the time of the disclosures.

For a right to be clearly established, its contours must be sufficiently clear that a reasonable official would understand that his conduct violates that right. *Hope v. Pelzer*, 536 U.S. 730, 739 (2002). A right can be defined too generally if the unlawfulness of the official’s conduct “does not follow immediately from the conclusion that [the rule] was firmly established.” *District of Columbia v. Wesby*, 583 U.S. 48, 64 (2018) (quoting *Anderson v. Creighton*, 483 U.S. 635, 641 (1987)). And so although establishing a right does not require a case directly on point, precedent still must place the constitutional question beyond debate. *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011).

Prosecutors Harrington and Biss argue that they are shielded by qualified immunity because no case establishes that disclosing Martin’s alleged conduct under *Brady* and *Giglio* violated his constitutional rights. But that argument misses the mark—Martin did not allege that the disclosures themselves violated his rights. Instead, he alleged that the disclosures were sent despite Sheriff Goldsmith’s representations that Martin’s resignation would make the charges go away. The disclosures were therefore part of the misrepresentations that induced Martin into resigning.

The right not to be induced into resigning from public employment through material misrepresentations was clearly established at the time of this alleged conduct. *See Spreen*, 961 F.2d at 112 (holding that plaintiff had a “clearly established constitutional right” not to be induced into resigning from public employment through the “making [of] ... misrepresentations” about the consequences of resignation); see also *Dusanek v. Hannon*, 677 F.2d 538, 543 (7th Cir. 1982).

A reasonable official in Sheriff Goldsmith’s position would be on notice that making misrepresentations to induce Martin to voluntarily resign is a procedural due process violation. Based on these facts, at this stage of the case, the defendants are not entitled to qualified immunity. But “while qualified immunity may not entitle a defendant to dismissal on the pleadings, qualified immunity may entitle the defendant to summary judgment later on.” *Hanson v. LeVan*, 967 F.3d 584, 592 (7th Cir. 2020).⁷

⁷ Martin also named the State of Indiana and the Tippecanoe County (Indiana) Board of Commissioners as defendants. His counsel admitted at oral argument that these parties were sued only to indemnify the other defendants were Martin to be awarded money damages. Oral Arg. at 2:19–3:00. These theories are derivative of any claim against Goldsmith, Harrington, and Biss. On remand, we leave it to the district court to decide the state law claims, including whether it is necessary or appropriate for these entities to remain as named defendants in the case.

III. CONCLUSION

In sum, the prosecutors are entitled to absolute immunity for their filing of *Brady/Giglio* disclosures in Martin's criminal cases. The rest of Martin's allegations against the prosecutors and the sheriff, however, are sufficient to get past the pleading stage, as none of the defendants—at present—are entitled to qualified immunity. Because the district court granted the defendants' motion to dismiss in its entirety, we REVERSE in part, AFFIRM in part, and REMAND for proceedings consistent with this opinion.

APPENDIX B
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

No. 2:22-CV-226-PPS-APR

RANDALL N. MARTIN,
Plaintiff,

v.

ROBERT A. GOLDSMITH, *et al.*,
Defendants.

OPINION AND ORDER

MAY 30, 2023

Randall Martin, a former Sheriff's Deputy who was facing disciplinary proceedings, decided on the eve of his evidentiary hearing to enter into an agreement to resolve his employment status. In exchange for having the charges dropped, Martin resigned and entered a mutual release and covenant not to sue. However, soon thereafter, Martin became disgruntled

when the state disclosed *Brady/Giglio* information, disseminating it in criminal in cases where Martin was a witness, as well as the Tippecanoe County Bar writ large, and to the towns of Dayton and Flora where Martin hoped to continue his career in law enforcement.

Martin has sued several defendants which have sorted themselves into two distinct groups: Tippecanoe County Sheriff Robert A. Goldsmith and the Board of Commissioners of Tippecanoe County, Indiana (“Tippecanoe County Defendants”); and Patrick Harrington, Jason Biss, and the State of Indiana (“State Defendants”). Both groups seek dismissal of the complaint. [DE 15, 17.] Because I find Defendants are shielded by immunity and Martin has not sufficiently alleged a deprivation of due process, the federal claims will be dismissed with prejudice, and I will relinquish jurisdiction over the supplemental state law claims.

Background

Let’s start by introducing the cast of characters: Plaintiff, Randall Martin, was a lieutenant in the Tippecanoe County Sheriff’s Office. [Compl., DE 1, at 1-2.] He had worked there for 14-years. [*Id.* at 2.] The defendants are Patrick Harrington (the elected Prosecutor of Tippecanoe County), Jason Biss (Harrington’s Chief Deputy Prosecutor), and Sheriff Robert Goldsmith. Goldsmith was elected Sheriff of Tippecanoe County in November 2018 and he took office in January 2019. During Goldsmith’s campaign, Martin filed department complaints against several Tippe-

canoe County Sheriff Officers for campaigning on behalf of Goldsmith while on duty and in uniform. *Id.* Martin believes that Goldsmith retaliated against him by subjecting him to a trumped up internal affairs investigation. *Id.*

In the fall of 2020, Martin was placed under internal investigation relating to his involvement in an arrest of two people. *Id.* According to the State's *Brady/Giglio* disclosure, the initial stages of the investigation determined that Martin used unnecessary force by spraying two people in the face with oleoresin capsicum; he used unnecessary force by tasing the two people who did not show active physical resistance toward Martin; inconsistencies were discovered between Martin's report and review of the body camera footage; and Martin accessed unrelated footage from the body camera online system on multiple occasions for personal reasons without appropriate department authorization. [Disclosure, Ex. B to Compl., DE 1-2.] As a result of these determinations, Martin was suspended. [DE 1 at 5.]

For his part, Martin vehemently disagrees with these determinations, and claims the people he arrested were drunk and belligerent. [DE 44 at 3 n.1.] Consequently, Martin requested a public hearing before the Merit Board, and one was set for April 29 and 30, 2021. [DE 1 at 6-7.] A few weeks before the hearing, Goldsmith, supposedly in collaboration with the prosecutors (Harrington and Biss), referred the investigation to a special prosecutor to investigate any criminal charges against Martin. [DE 1 at 7.]

On the eve of the hearing, April 28, 2021, Martin entered into an Agreement to Resolve Employment Status. [Agreement attached to Compl. as Ex. A.] In a nutshell, Martin agreed to resign if the allegations of misconduct against him were withdrawn (prior to any special prosecutor finding), and Goldsmith agreed to withdraw the misconduct charges against Martin in exchange for his resignation. [DE 1 at 7-8.] The agreement included a mutual release and covenant not to sue by both the Sheriff and Martin. [DE 1-1 at 2.] Pursuant to the agreement, Martin's resignation from the Sheriff's Department was effective on May 3, 2021. [*Id.* at 1.]

Just a few days later, on May 11, 2021, the State of Indiana filed the "State's Disclosure of Brady/Giglio Information" in Cause 79D06-1904-F6-516.¹ [Compl. Ex. B, DE 1-2.] That document lists the information contained in Goldsmith's charging notice that gave rise to the misconduct investigation against Martin. [Compl. at 9.] Martin alleges defendants Goldsmith, Harrington and Biss "conspired" to draft and publish the *Brady-Giglio* disclosure so that Martin didn't learn of it before resigning. *Id.* The same day his resignation was effected, the disclosure was disseminated by Defendants to the members of the Tippecanoe County Bar. *Id.* In addition, the disclosure was filed as a matter of public record in dozens of cases

¹ *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), require government disclosure of impeaching or exculpatory material.

that Martin was involved in the arrest. *Id.* Martin alleges that the Defendants also directly told his part-time employer of eight years, the Town of Dayton, Indiana, the contents of the disclosure. *Id.*

Martin claims that as a result of the disclosure and representations from the Defendants, the town of Dayton declined to hire Martin in a full-time capacity and, despite his years of service and expectation of employment with them, suspended Martin from his part-time job with Dayton. [DE 1 at 11.] Martin was also rejected by the town of Flora for employment. *Id.*

The complaint states nine causes of action but only one federal claim based on the due process clause. The other claims are a variety of supplemental state law causes of action. Martin wants both monetary and equitable relief (namely rescinding the *Brady-Giglio* disclosure). [DE 1.] Both sets of defendants have moved to dismiss the complaint in its entirety. [DE 15, 17.]

Discussion

In order to survive a motion to dismiss under Rule 12(b)(6), “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation marks and citation omitted); accord *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). While I must accept all factual allegations as true and draw all reasonable inferences in the complainant’s favor, I don’t need to accept threadbare legal conclusions supported by purely conclusory statements. See *Iqbal*, 556 U.S. at 678. Martin

must allege “more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Twombly*, 550 U.S. at 555. Making the plausibility determination is “a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Iqbal*, 556 U.S. at 679.

**I. The Federal Claim Against State Defendants
(Harrington, Biss, State of Indiana)**

Amidst a sea of state law claims, Martin brings just one claim based on federal law. Count Eight is for deprivation of procedural due process pursuant to 42 U.S.C. § 1983 and the Fourteenth Amendment. [DE 1 at 20-21.] Martin claims Goldsmith reconfigured the composition of the Merit Board to reach a negative conclusion about him, publicly released misleading and defamatory information, and pressured Martin into resigning and foregoing his right to a hearing. [DE 1 at 20.] He alleges he had a property interest in his employment which could not be deprived without procedural due process.

Although the State Defendants first argue that the Eleventh Amendment bars the federal claim against them in their official capacities, because immunity is dispositive in this case, and in an effort to avoid making constitutional decisions when possible, *see ISI Int’l, Inc. v. Borden Ladner Gervais LLP*, 256 F.3d 548, 552 (7th Cir. 2010), I will turn to that issue instead.

State Defendants Biss and Harrington (the prosecutors) contend they are absolutely immune from the

Section 1983 claim because their actions were taken in furtherance of their prosecutorial duties. [DE 18 at 6.] In response, Martin argues that while a prosecutor may be immune for his direct role in conducting a trial, because he was never a criminal defendant, the actions of the State Defendants don't qualify for prosecutorial immunity. [DE 45 at 6-7.] As the officials seeking absolute immunity, Biss and Harrington bear the burden of showing immunity is justified for the functions at issue. *Burns v. Reed*, 500 U.S. 478, 486 (1991).

Prosecutors are entitled to absolute immunity for acts taken within the scope of their prosecutorial roles. *Greenpoint Tactical Income Fund LLC v. Pettigrew*, 38 F.4th 555, 565-66 (7th Cir. 2022). Prosecutors are absolutely immune, both individually and in their official capacities, from liability under section 1983 for evaluating evidence, initiating a prosecution, and presenting the State's case. *Imbler v. Pachtman*, 424 U.S. 409, 422-428 (1976).

Martin can't escape this type of immunity merely by saying because he was not a criminal defendant, this type of immunity cannot apply. It isn't that simple. Prosecutorial immunity is broader than that — it extends to “conduct that is functionally prosecutorial; this immunity is understood to broadly cover all conduct associated with the judicial phase of the criminal process.” *Bianchi v. McQueen*, 818 F.3d 309, 316 (7th Cir. 2016). In determining whether a prosecutor's acts were performed in furtherance of his prosecutorial duties, federal courts apply a functional approach, looking at “the nature of the function performed, not

the identity of the actor who performed it.” *Buckley v. Fitzsimmons*, 509 U.S. 259, 259-60 (1993); *see also Imbler*, 424 U.S. at 430. The Supreme Court has explained that “the duties of the prosecutor in his role as advocate for the State involve actions preliminary to the initiation of a prosecution and actions apart from the courtroom.” *Buckley*, 509 U.S. at 272 (quotation omitted).

It’s hard to conceive of a more core prosecutorial function than meeting ones duty of disclosure under *Brady/Giglio*. It is not surprising therefore that the Seventh Circuit has held that “*Brady* and *Giglio* duties are functionally prosecutorial – they are intimately related to the judicial phase of the criminal process.” *Fields v. Wharrie*, 672 F.3d 505, 513 (7th Cir. 2012). In fulfilling these *Brady/Giglio* obligations, prosecutors act as officers of the court “embroiled in the judicial phase of the criminal process” and are entitled to immunity with respect to their “actions and decisions pertaining to [the] fulfillment of *Brady* and *Giglio*.” *Id.* In other words, “absolute immunity applies to a prosecutor’s decisions about evidence and her implementation of her *Brady* responsibilities.” *Whitlock v. Brueggemann*, 682 F.3d 567, 579 (7th Cir. 2012).

The act of creating the *Brady/Giglio* disclosure and sharing it in cases where Martin was involved in the arrest is plainly a prosecutorial duty, and is easily entitled to absolute immunity. This is an obligation of the State Defendants — a kind of administrative obligation that is the type that should clearly be protected by absolute immunity. Harrington was acting

as a prosecutor at the time he obtained this information and it was obviously pertinent to upcoming trials. Martin could very well be a testifying witness at trial, and people, like Biss, needed to evaluate the credibility of his testimony. *See Savage v. Maryland*, 896 F.3d 260, 271 (4th Cir. 2018) (“[A] prosecutor’s professional evaluation of a witness is entitled to absolute immunity even if that judgment is harsh, unfair or clouded by personal animus, as [the officer] alleges here.”).

But I am a little less sure about how to handle the disclosure to members of the Tippecanoe County Bar, and to Martin’s part-time employer, the Town of Dayton, as well as the town of Flora. This strikes me as a little different kettle of fish. The State Defendants continue to argue this dissemination “all occurred within the scope of the State Defendants’ prosecutorial duties and thus are prosecutorial in nature.” [DE 18 at 8.] But I’m not so sure. Let’s consider each of these situations in turn.

As to the sharing with the bar association after the *Brady/Giglio* disclosure was filed in specific cases involving Martin, the State Defendants argue that this was also a prosecutorial function, intimately connected with evaluation of witnesses and preparation for trial. [DE 18 at 11.] In conducting this analysis, let me start by saying we are dealing with an odd ball fact situation. Most cases involving prosecutorial misconduct surrounding *Brady/Giglio* disclosures involve criminal defendants heading to trial, and the main issue is usually whether the state disclosed all of the proper information to which the defendant was

entitled. This case turns that scenario on its head. Here, Martin is complaining that the State has improperly disclosed too much information about him.

Although it is far from identical to this factual scenario, one case that seems helpful to this analysis is *Savage*, where the Fourth Circuit looked at a police officer's claim that it was improper to prohibit him from testifying on any case he investigated after the prosecutor determined his potential testimony was not credible. 896 F.3d at 270. The Court reasoned:

Decisions regarding witness testimony – which witnesses to call, whether potential witnesses are credible, and how to proceed in the face of credibility questions – are a core prosecutorial function, directly tied to the conduct of a criminal trial. This is clear from *Imbler* itself, holding that prosecutors are absolutely immune from claims that they knowingly presented false testimony at trial: Because “[t]he veracity of witnesses in criminal cases frequently is subject to doubt,” the Court explained, the integrity of the criminal process would suffer if “prosecutors were hampered in exercising their judgment as to the use of such witnesses by concern about resulting personal liability.” *Imbler*, 424 U.S. at 426. Instead, decisions about “which witnesses to call” are among the “sensitive issues” that prosecutors must address in their capacity as advocates as they prepare for trial, fully shielded by immunity. *Id.* at 430 n.33.

Savage, 896 F.3d at 270.

Savage argued that by refusing to call him as a witness or prosecute his cases, the state “effectively

made it impossible for him to do his job,” and contended that absolute immunity wasn’t available to the prosecutors because they were making administrative decisions. *Id.* at 272. The Fourth Circuit totally rejected his argument, reasoning:

We cannot agree. That a judgment about witness credibility or which cases to try has negative employment consequences – even readily foreseeable ones – does not change the underlying nature of that judgment; the immunity analysis focuses on the prosecutorial conduct in question, and “not on the harm that the conduct may have caused.” *Buckley*, 509 U.S. at 271. Nor does the effect on Savage’s career do anything to distinguish this case from all the others, discussed above, in which courts apply absolute immunity when police officers lose their jobs or suffer other adverse actions because their employers are informed by prosecutors that they no longer will be used as witnesses. See, e.g., *Roe*, 109 F.3d at 582; *Barnett*, 16 F.Supp.3d at 1221, 1223.

Savage, 896 F.3d at 272. Furthermore, the Court acknowledged that even though some functions that the defendant prosecutors engaged in were administrative like training, supervision, and information-systems management, because they also were “directly connected with the conduct of a trial” and required the exercise of legal discretion, they remained protected by absolute immunity. *Id.* at 273.

The State Defendants also cite several cases from the Ninth Circuit holding that “prosecutors who made

the decision to place officers on [*Brady*] lists and communicated those decisions were entitled to absolute immunity.” *Adamson v. Pierce Cnty.*, 3:21-cv-5592-DGE, 2022 WL 1667016, at *4 (W. Dist. Wash. May 25, 2022). The facts in *Adamson* resonate as similar to this case. There, the court found,

Considering the facts in the light most favorable to Plaintiffs, Schacht put Plaintiffs on the *Brady* list based on information that did not qualify as PIE [potential impeachment evidence]. Rather, Schacht was motivated to investigate and keep Plaintiffs on the *Brady* list because he held hostile animus towards Plaintiffs for speaking out against PCPAO’s [Pierce County Prosecuting Attorney’s Office] alleged interference and supporting an opposing candidate for Sheriff. Nonetheless, maintaining a *Brady* list is part of a prosecutor’s core role in the judicial process and, therefore, carries absolute immunity.

Id. See also *Neri v. Cnty. of Stanislaus Dist. Attorney’s Office*, No. 1:10-cv-823-AWI GSA, 2010 WL 3582575, at *8 (E.D. Cal. Sept. 9, 2010) (finding placing name on a *Brady* list and disclosing *Brady* materials were done in a prosecutorial capacity because “disclosing what the district attorney considered to be *Brady* Material, and not utilizing objective criteria for *Brady* List determinations is conduct that requires witness evaluation, involves obligations imposed pursuant to the Supreme Court (*Brady v. Maryland*), requires the application of legal knowledge, and is associated with the judicial phase of the criminal process.”). Similarly,

in *San Agustin*, the plaintiff alleged certain state actors conspired to purposefully have his name placed on a *Brady* list and disclose that information, but the court found that conduct was directly connected to the judicial phase of the criminal process and protected by absolute immunity. *San Agustin v. El Paso Cnty.*, No. 18-cv-02646-MEH, 2019 WL 4059167, at *16-17 (D. Colo. Aug. 28, 2019). The *San Agustin* court reached this conclusion, despite the plaintiff's protestations that having his name on the *Brady* List is commonly considered to be a "career killer." *Id.* At *17.

I do think that sharing the disclosure with the bar association is akin to the actions in *Savage*, *Adamson*, and the district court cases cited above, and still qualifies as actions intimately associated with the prosecutor's duty. Presumably this information was shared so that other members of the legal community — prosecutors and defense lawyers alike — could better determine whether to use Martin in trials, and weigh the credibility of any future testimony he might give.

And I suppose this rationale also supports absolute immunity for sharing this information with Martin's part-time employer, the town of Dayton, and the town of Flora, but to a lesser degree. Directly sharing this information with a current or potential employer seems even one more step removed from a purely prosecutorial function.

But let's assume that the direct dissemination of the *Brady/Giglio* disclosure to the two towns that Martin hoped to work for was not a purely prosecutorial action protected by absolute immunity; what

about qualified immunity? “If a prosecutor’s function was quas-judicial, the prosecutor enjoys absolute immunity. If the function was administrative or investigatory, the prosecutor enjoys only qualified immunity.” *Patterson v. Burge*, 328 F.Supp. 2d 878, 892 (N.D. Ill. 2004) (quotation marks and citation omitted).

Qualified immunity “shields officials from civil liability so long as their conduct does not violate clearly established constitutional rights of which a reasonable person would have known.” *Hernandez v. Mesa*, 137 S.Ct. 2003, 2007 (2017) (quotation and citations omitted). “The doctrine of qualified immunity balances dueling interests – allowing officials to perform their duties reasonably without fear of liability on the one hand and affording members of the public the ability to vindicate constitutional violations by government officials who abuse their offices on the other.” *Lopez v. Sheriff of Cook Cnty.*, 993 F.3d 981, 987 (7th Cir. 2021) (quotation marks and citation omitted). “The purpose of qualified immunity is to protect all but the plainly incompetent or those who knowingly violate the law.” *Humphrey v. Staszak*, 148 F.3d 719, 727 (7th Cir. 1998) (quotation omitted).

Qualified immunity is an affirmative defense, but once properly raised by a defendant, the burden shifts to the plaintiff to defeat it. *Leiser v. Kloth*, 933 F.3d 696, 701 (7th Cir. 2019). In determining whether qualified immunity applies, courts engage in a two-pronged inquiry. *Id.* First, the court asks whether the facts, taken in the light most favorable to the injured party, show that the officer’s conduct violated a federal right. *Saucier v. Katz*, 533 U.S. 194, 201 (2001).

Second, the court asks whether the constitutional right was clearly established at the time of the challenged conduct. *Id.* Courts may pick and choose which prong to address first. *Pearson v. Callahan*, 555 U.S. 223, 236 (2009).

Here, it is evident the constitutional right was not clearly established at the time of the challenged conduct. In this regard, Martin's argument is entirely self-defeating: he tells me in his brief that "Martin's circumstance is, above all, novel." [DE 45 at 7.] And it is true, as I mentioned before, that most of the caselaw on this subject involves civil claims by criminal defendants regarding some aspect of the manner their criminal cases were prosecuted. There is a dearth of law on point about the present situation, where a *Brady/Giglio* disclosure is shared with multiple entities after a police officer voluntarily resigned his position to bring an investigation to a close. There is simply no caselaw holding the disclosures in this case violate a police officer's clearly established constitutional right to be free from being subject to a disclosure disseminated to the local bar association or his employer. As such, even if these actions are not protected by absolute immunity, I am confident they are entitled to qualified immunity.

Finally, before moving on to the other motion to dismiss, it's also worth dipping my toe into the merits. I note that Martin has not shown that he was deprived of a protected property interest, in contravention of due process. Martin claims "he was deprived of his continued employment, as well as future employment opportunities." [DE 44 at 10.] But, as I explain

more in the next section of this order, I’m not sure how he can characterize what happened to him as a “deprivation” since he voluntarily resigned. Moreover, the State Defendants (the Prosecutor and Chief Deputy Prosecutor of Tippecanoe County) aren’t Martin’s actual employer, so I can’t see how he has stated a due process claim against them under Section 1983 or the Fourteenth Amendment. Therefore, the federal claim against the State Defendants should be dismissed.

II. The Federal Claim Against County Defendants (Sheriff Goldsmith and Board of Commissioners of Tippecanoe County)

In turning to the sole federal claim for deprivation of due process as alleged against the County Defendants, it is easy to reach the conclusion that Martin has not sufficiently alleged a deprivation of due process.

A claim for violation of procedural due process under section 1983 requires pleading of (1) the existence of a cognizable property interest; (2) deprivation of that interest; and (3) a denial of due process. *Licari v. City of Chicago*, 298 F.3d 664, 668 (7th Cir. 2002). The Fourteenth Amendment’s due process clause is not absolute – in other words, it does not prohibit deprivations of liberty or property altogether – it just requires that individuals receive “due process” when such deprivations occur. U.S. Const. Amend. XIV, § 1; *Parratt v. Taylor*, 451 U.S. 527, 537 (1981), overruled on other grounds by *Daniels v. Williams*, 474 U.S. 327 (1986) (“Nothing in [the Fourteenth] Amendment protects against all deprivations of life, liberty, or prop-

erty by the State. The Fourteenth Amendment protects only against deprivations ‘without due process of law.’”).

While it is true that procedural due process protections are afforded to deputies because they have a property interest at stake in their job, *see* Ind. Code § 36-8-10-11(a), even the case cited by Martin finds that “the extent of process required is ‘notice and opportunity for hearing appropriate to the nature of the case.’” *Marion Cnty. Sheriff’s Merit Bd. v. Peoples Broadcasting Corp.*, 547 N.E.2d 235, 239 (Ind. 1989) (quoting *Bd. Of Regents of State Colleges v. Roth*, 408 U.S. 564, 570 n.7 (1972)). It is unquestionably true that Martin had notice in this case, and an opportunity for a hearing – indeed, the Merit Board hearing was set and on the calendar. The fact that Martin voluntarily choose to waive the hearing, and instead entered into an agreement to resolve his employment status which explicitly withdrew his request for a hearing in exchange for the Sheriff accepting Martin’s resignation and withdrawing the charges pending before the Merit Board [DE 1-1 at 1], dooms his claim for deprivation of due process. As such, the federal claim against the County Defendants also requires dismissal.

III. The State Law Claims

Martin has also alleged state law claims for fraudulent inducement (Count One), conspiracy, collusion and corruption (Count Two), state law abuse of process (Count Three), breach of contract (Count Four), defamation (Count Five), tortious interference with business relationship (Count Six), invasion of privacy

- false light (Count Seven), and state law agency (Count Nine). The Court has granted dismissal in favor of Defendants on Martin's only federal claim, which was the sole basis for federal jurisdiction in this action as the parties are not diverse. [DE 1 at 11-12.]

Martin also alleges in the complaint that this Court has federal jurisdiction based on the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202. [DE 1 at 11-12.] However, the Declaratory Judgment Act does not actually confer federal jurisdiction. 28 U.S.C. § 2201(a). It only permits declaratory relief when an independent basis for federal subject matter jurisdiction exists. *Skelly Oil Co. v. Phillips Petroleum Co.*, 339 U.S. 667, 671-72 (1950); *TIG Ins. Co. v. Reliable Research Co.*, 334 F.3d 630, 634 (7th Cir. 2003) (noting that the Declaratory Judgment Act "does not and cannot serve as an independent basis for federal jurisdiction."). Therefore, the Court must decide whether to exercise supplemental jurisdiction over Martin's remaining state law claims.

Upon due consideration, the state law claims are dismissed without prejudice because the federal claim has been dismissed prior to trial. 28 U.S.C. § 1367(c)(3); *Groce v. Eli Lilly & Co.*, 193 F.3d 496, 501 (7th Cir. 1999) ("[I]t is the well-established law of this circuit that the usual practice is to dismiss without prejudice state supplemental claims whenever all federal claims have been dismissed prior to trial."); see also *Williams v. Fort Wayne Police Dep't Officers John/Jane Does*, No. 1:12-CV-202, 2012 WL 6727534, at *3 (N.D. Ind. Dec. 27, 2012).

Conclusion

For all of the above-mentioned reasons, the Tippecanoe County Defendants' Motion to Dismiss [DE 15] and the State Defendants' Motion to Dismiss [DE 17] are both GRANTED: the federal claim (Count 8) is DISMISSED WITH PREJUDICE and the state claims (Counts 1-7, and 9) are DISMISSED WITHOUT PREJUDICE. The Clerk is ORDERED to CLOSE this case.

SO ORDERED.

ENTERED: May 30, 2023

/s/ Philip P. Simon

PHILIP P. SIMON, JUDGE

UNITED STATES DISTRICT COURT

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APPENDIX C
UNITED STATES COURT OF APPEALS FOR
THE SEVENTH CIRCUIT

No. 23-2277

RANDALL, N. MARTIN,
Plaintiff-Appellant,

v.

ROBERT A. GOLDSMITH, *et al.*,
Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Indiana, Hammond Division.
No. 2:22-CV-226 — Philip P. Simon, Judge.

ORDER

MARCH 4, 2026

Before SCUDDER, JACKSON-AKIWUMI, and
PRYOR, *Circuit Judges.*

Defendant-Appellees Robert A. Goldsmith, Patrick Harrington, Jason Biss, Board of Commissioners of Tippecanoe County, Indiana, and the State of Indiana filed a petition for rehearing and rehearing en banc on February 13, 2026. No judge in active service has requested a vote on the petition for rehearing en banc, and all judges of the original panel have voted to deny panel rehearing.

Accordingly, the petition for rehearing and rehearing en banc is **DENIED**.