

No. 25-1348

IN THE
Supreme Court of the United States

PATRICK HARRINGTON, INDIVIDUALLY
AND AS PROSECUTOR OF
TIPPECANOE COUNTY, INDIANA, *et al.*,

Petitioners,

v.

RANDALL MARTIN,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

**RESPONDENT'S BRIEF IN OPPOSITION TO
THE PETITION FOR A WRIT OF CERTIORARI**

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QUESTION PRESENTED

Respondent Randall Martin, a deputy sheriff with a protected property interest in his continued employment under Indiana law, invoked his statutory right to a Merit Board hearing to challenge disciplinary charges seeking his dismissal. Martin alleges that Petitioners and Sheriff Robert Goldsmith acted in concert to induce him to relinquish that employment and his hearing rights through material misrepresentations concerning the consequences of his resignation. After Martin resigned, Petitioners disseminated the allegations that Martin understood would be withdrawn.

The Seventh Circuit held that, accepting Martin's well-pleaded allegations as true, he plausibly alleged that his resignation was coerced through material misrepresentations in violation of clearly established due-process law and that Petitioners therefore were not entitled to qualified immunity at the pleading stage. The question presented is:

Whether certiorari should be denied where the Seventh Circuit held that Petitioners were not entitled to qualified immunity at the pleading stage because Martin plausibly alleged that material misrepresentations induced him to resign from protected public employment and relinquish his statutory hearing rights.

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STATEMENT OF THE FACTS

Because this case comes to the Court at the pleading stage, Respondent relies on the facts as alleged in the Complaint and recounted by the Seventh Circuit. The following summarizes the facts relevant to the issues presented; Respondent otherwise incorporates the Seventh Circuit's recitation of the factual and procedural background.

A. Factual Background.

Randall N. Martin served as a lieutenant deputy sheriff with the Tippecanoe County, Indiana Sheriff's Office and had fourteen years of law-enforcement experience. (Appellant Brief Supplemental Appendix, ("S.A."), 1–2, ¶ 1.) During his full-time service with the Sheriff's Office, Martin also served for eight years as a part-time officer with the Town of Dayton, Indiana. (S.A. 5–6, ¶¶ 16–17.) In 2019, Robert Goldsmith took office as Sheriff. (S.A. 2, ¶4.) Martin alleged that Goldsmith later retaliated against him by initiating an internal-affairs investigation concerning Martin's arrests of two intoxicated individuals. (S.A. 2, ¶ 5; S.A. 4–5, ¶¶ 12–14.) Goldsmith ultimately suspended Martin and filed disciplinary charges seeking his dismissal based on the investigation's findings. (S.A. 5, ¶¶ 15–16.)

Under Indiana Code § 36-8-10-11, Martin possessed a property interest in his continued employment as a county police officer and could not be removed without procedural due process. (S.A. 3, ¶ 6.) Martin invoked his statutory right to a public hearing before the Merit Board to challenge the disciplinary charges. (*Id.*) Goldsmith also

worked with Prosecutors Patrick Harrington and Jason Biss to refer the internal-affairs investigation to a Special Prosecutor for possible criminal charges shortly before Martin's scheduled Merit Board hearing. (S.A. 7, ¶ 24.) The Special Prosecutor ultimately declined to pursue charges. (S.A. 7, ¶ 26.)

Martin alleged that the unresolved criminal referral placed additional pressure on him to resign. (S.A. 7, ¶¶ 25–26.) At the time, Martin anticipated continuing his law-enforcement career with the Town of Dayton, where a full-time Deputy Marshal position was available. (S.A. 8, ¶ 29.) Martin agreed to resign from the Sheriff's Office, but only upon agreement to withdraw the misconduct allegations against him. (S.A. 7–8, ¶¶ 25, 27.) Goldsmith agreed, and the parties memorialized the terms in an Agreement to Resolve Employment executed on April 28, 2021, and effective May 3, 2021. (S.A. 8, ¶¶ 27–28.)

Martin alleged, however, that while Goldsmith was agreeing to withdraw the misconduct allegations, he was simultaneously working with Harrington and Biss concerning Martin and those same allegations. (S.A. 8–10, ¶¶ 30, 34–40.). On May 3, 2021—the day Martin's resignation became effective—Goldsmith, Harrington, and Biss disseminated by email to members of the Tippecanoe County Bar a templated “*Brady-Giglio* Disclosure.” (S.A. 8, ¶¶ 29–30; S.A. 9, ¶¶ 34–36.) The disclosure was unsigned, was not filed in or tied to any particular criminal case, and listed the same misconduct allegations that Martin alleged Goldsmith had agreed to withdraw. (S.A. 8–9, ¶¶ 31–36; S.A. 29–30.) The same disclosure was sent to Martin's remaining employer, the Town of Dayton, and Harrington and Biss separately

emailed Dayton concerning the allegations against Martin. (S.A. 9–10, ¶¶ 37–39.) Martin alleged that none of the Defendants informed Dayton that Goldsmith had agreed to withdraw the allegations. (S.A. 10, ¶ 40.)

Following those communications, Dayton withdrew its offer of full-time employment, suspended Martin, removed him from service, and initiated disciplinary proceedings seeking his dismissal based on the allegations originating with the Sheriff’s Office. (S.A. 11, ¶ 43.) Martin alleges that he has since been unable to obtain employment in law enforcement. (S.A. 11, ¶ 44.)

B. Procedural History.

In August 2022, Martin filed this action in the district court against Sheriff Goldsmith and Petitioners. (S.A. 1.) Among other claims, Martin alleged that Defendants deprived him of procedural due process in violation of 42 U.S.C. § 1983 and the Fourteenth Amendment. (S.A. 20–21, Count Eight, ¶¶ 93–97.) The State Defendants and Tippecanoe County Defendants moved to dismiss Martin’s federal and state claims. On May 30, 2023, the district court dismissed Martin’s due-process claim with prejudice and declined to exercise supplemental jurisdiction over the remaining state-law claims, dismissing those claims without prejudice. *Martin v. Goldsmith*, No. 2:22-CV-226-PPS-APR, 2023 U.S. Dist. LEXIS 94479, at *21 (N.D. Ind. May 30, 2023). The district court concluded that Defendants were entitled to a combination of absolute and qualified immunity and separately concluded that Martin had not sufficiently alleged a deprivation of due process. *Id.* at *7–20. Martin timely appealed.

On December 31, 2025, the Seventh Circuit affirmed in part, reversed in part, and remanded. *Martin v. Goldsmith*, 163 F.4th 1046, 1061 (7th Cir. 2025). The court affirmed the dismissal of Martin’s claims against Harrington and Biss to the extent they arose from *Brady/Giglio* disclosures filed in criminal cases, holding that Petitioners were absolutely immune for those case-specific disclosures. *Id.* at 1058. The court held, however, that absolute immunity did not extend to the alleged disclosures to the Tippecanoe County Bar Association or Martin’s current and prospective employers because those communications were not sufficiently tied to the judicial phase of a criminal proceeding. *Id.* at 1058–59. The court further held that, accepting the Complaint’s allegations as true, Martin plausibly alleged that Defendants induced him through material misrepresentations to resign from his protected public employment and relinquish his right to a merit board hearing. *Id.* at 1059–61. Relying on *Spreen v. Brey*, 961 F.2d 109 (7th Cir. 1992), and *Ulrey v. Reichhart*, 941 F.3d 255 (7th Cir. 2019), the court concluded that the alleged conduct implicated clearly established law and that Defendants were not entitled to qualified immunity at the pleading stage. *Martin*, 163 F.4th at 1060–61. The court remanded for further proceedings. *Id.* at 1061.

REASONS FOR DENYING THE PETITION

This case presents a fact-bound due-process claim at the pleading stage. Martin alleges that public officials, acting in concert, induced him through material misrepresentations to surrender his protected employment and the hearing at which he could have challenged the allegations against him. As to qualified immunity, the Seventh Circuit held that those allegations were sufficient to proceed beyond

the pleading stage. That limited, interlocutory holding does not warrant this Court's review. The case remains materially undeveloped; the Seventh Circuit's immunity analysis follows, rather than conflicts with this Court's precedent; and its clearly-established-right analysis rests on circuit precedent specifically addressing the use of material misrepresentations to induce a public employee to relinquish protected employment.

Petitioners seek to transform that narrow holding into something the Seventh Circuit never decided. The court did not recognize a constitutional right against *Brady/Giglio* disclosure, impose new disclosure obligations on prosecutors, or hold Petitioners liable for performing a prosecutorial function. To the contrary, it held that disclosures made in criminal proceedings were protected by absolute prosecutorial immunity. *Martin v. Goldsmith*, 163 F.4th 1046, 1057–59 (7th Cir. 2025). And when the court separately considered qualified immunity for the remaining conduct, it expressly rejected the premise on which much of the Petition rests: “Martin did not allege that the disclosures themselves violated his rights.” *Id.* at 1060. The constitutional claim, again, concerns the alleged use of material misrepresentations to induce Martin to give up his employment and the process otherwise available to him.

The Petition therefore presents no conflict requiring this Court's intervention and no unsettled constitutional question warranting review. It asks this Court to review an interlocutory decision allowing a fact-specific claim to proceed based largely on arguments the Seventh Circuit did not adopt and a characterization of Martin's claim the court expressly rejected. The Petition should be denied.

I. THE INTERLOCUTORY AND PLEADING-STAGE POSTURE MAKES THIS CASE A POOR VEHICLE FOR REVIEW.

The Petition largely ignores the limited question that was actually before the Seventh Circuit. This case reached the court on a motion to dismiss, where the question was not whether Martin’s allegations were true, but whether, *assuming they were true*, they stated a claim sufficient to proceed. The Seventh Circuit therefore was required to accept the Complaint’s well-pleaded factual allegations as true and draw all reasonable inferences in Martin’s favor. A “Rule 12(b)(6) motion ‘tests the sufficiency of the complaint, not the merits of the case.’” *McReynolds v. Merrill Lynch & Co.*, 694 F.3d 873, 878 (7th Cir. 2012).

The Seventh Circuit adhered to those procedural limits. It did not hold that Petitioners are categorically foreclosed from asserting qualified immunity as the case develops. It held only that, accepting Martin’s well-pleaded allegations as true, qualified immunity did not require dismissal at the pleading stage. And throughout its opinion, the court makes that limitation explicit:

- “In his complaint, paragraphs 44 and 45, Martin alleged that only Sheriff Goldsmith – and not the prosecutors – shared the disclosures 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.***”

Martin v. Goldsmith, 163 F.4th 1046, 1058 n.5 (7th Cir. 2025) (emphasis added).

- “while qualified immunity may not entitle a defendant to dismissal on the pleadings, ***qualified immunity may entitle the defendant to summary judgment later on.***” *Martin*, 163 F.4th at 1061 (quoting *Hanson v. LeVan*, 967 F.3d 584, 592 (7th Cir. 2020)) (emphasis added).
- Martin’s remaining allegations were merely “***sufficient to get past the pleading stage,***” leaving none of the defendants entitled to qualified immunity “***at present.***” *Martin*, 163 F.4th at 1061.

Those limitations matter here. The Petitioners ask this Court to decide broad questions concerning absolute and qualified immunity on a record that has not yet established the circumstances surrounding the challenged conduct. The Seventh Circuit itself identified factual questions requiring discovery and expressly left open whether qualified immunity may apply at summary judgment once the record is developed. Moreover, the Petition proceeds from a factual premise that the Seventh Circuit could not accept at this stage: that Petitioners merely made independent *Brady/Giglio* disclosures after Martin voluntarily resigned. That is not what Martin alleges. Whether the evidence ultimately supports Martin’s allegations will determine the nature of the conduct actually at issue and may substantially alter or eliminate altogether the qualified-immunity question Petitioners ask this Court to decide now.

Nor does the Seventh Circuit’s refusal to grant qualified immunity at this preliminary stage make this case exceptional. Petitioners argue that “there is no rule against deciding qualified immunity at the pleadings stage.” (Pet. 13.) Although qualified immunity *may* be decided at the pleading stage, courts routinely decline to do so when qualified immunity cannot be resolved on the allegations alone. *See, e.g., Roldan v. Stroud*, 52 F.4th 335, 339 (7th Cir. 2022) (Courts “often cannot tell from a complaint whether qualified immunity applies,” and thus a motion to dismiss is “rarely” the time to decide qualified immunity.); *Jacobs v. City of Chicago*, 215 F.3d 758, 775 (7th Cir. 2000) (“Rule 12(b)(6) is a mismatch for immunity and almost always a bad ground of dismissal.”); *Hanson v. LeVan*, 967 F.3d 584, 598 (7th Cir. 2020) (denying qualified immunity at the motion to dismiss stage, stating, “[t]o be clear, LeVan may be entitled to qualified immunity on a motion for summary judgment, at which time the plaintiffs’ well-pleaded allegations are not taken as true. But that is a matter different from the one before us now.”); *Beathard v. Lyons*, 129 F.4th 1027, 1036 (7th Cir. 2025) (“[T]he fact-intensive nature of the claim means that resolution of [the] qualified immunity defense must await factual development.”); *Reed v. Palmer*, 906 F.3d 540, 548 (7th Cir. 2018) (“These sources rarely develop a robust factual record, given that, at the pleading stage, a plaintiff need only ‘state a claim to relief that is plausible on its face.’”), *Engel v. Buchan*, 710 F.3d 698, 699 (7th Cir. 2013) (“Engel’s complaint contains enough factual specificity to state a plausible claim for violation of his due-process rights.”). Those decisions do not foreclose further consideration of qualified immunity, but instead reflect the limited inquiry permitted at the pleading stage. That is all the Seventh Circuit did here.

II. THE DECISION BELOW DOES NOT CONFLICT WITH THIS COURT'S IMMUNITY PRECEDENT.

Even putting the poor posture for review aside, Petitioners' arguments rest on a misreading of the decision below. Petitioners frame the immunity question around the *Brady/Giglio* disclosures themselves, asking whether clearly established law would have placed prosecutors on notice that making those disclosures under these circumstances violated Martin's constitutional rights. But the Seventh Circuit instead considered Martin's due process claim as pleaded. Martin alleged that he possessed a protected property interest in his continued employment and a statutory right to a Merit Board hearing at which he could challenge the excessive-force allegations against him. (S.A. 3, ¶ 6.) He further alleged that Petitioners induced him to surrender both by materially misrepresenting the consequences of his resignation, including how the excessive-force allegations would be treated, and then, after securing his resignation, disseminated those allegations through *Brady/Giglio* disclosures to prosecutors and others. (S.A. 7–10, ¶¶ 25, 27–40; S.A. 16, ¶¶ 73–76.)

The Seventh Circuit addressed the two immunity doctrines separately. First, it isolated the *Brady/Giglio* disclosures and determined whether Petitioners could be held liable for those actions at all. Because Petitioners made those disclosures as prosecutors, the court considered whether absolute prosecutorial immunity shielded those acts from liability, regardless of the broader due-process claim. Only after determining the scope of that protection did the court consider the alleged constitutional violation as a whole.

For qualified immunity, then, the question was not whether the *Brady/Giglio* disclosures, standing alone, violated Martin's rights. It was whether the conduct that remained outside absolute immunity, viewed in the context of Martin's allegations that Petitioners used material misrepresentations to induce him to surrender his protected employment and merit board hearing, could support the alleged violation of a clearly established due process right. The Seventh Circuit found that it could.

A. The Seventh Circuit afforded Petitioners absolute immunity for case-specific Brady/Giglio disclosures.

To start, the Seventh Circuit determined whether absolute prosecutorial immunity protected Petitioners' disclosures. As to the *Brady/Giglio* disclosures filed in actual criminal cases, the answer was yes. Because those disclosures were made in the prosecutors' traditional role as advocates in pending criminal proceedings, absolute prosecutorial immunity barred Martin from imposing liability upon the prosecutors for that conduct—regardless of their alleged motives. *Martin v. Goldsmith*, 163 F.4th 1046, 1058 (7th Cir. 2025).

The other communications presented a different question because they served a different function. The May 3 disclosure to the Tippecanoe County Bar Association was distributed broadly and was not connected to any identified prosecution. (S.A. 9, ¶¶ 34–36; S.A. 29–30.) The communication with the Town of Dayton concerned Martin's employment with another law-enforcement agency and likewise was not tied to a pending or contemplated criminal proceeding. (S.A. 9–10, ¶¶ 37–39.)

And the alleged communication with the Town of Flora concerned prospective employment outside Tippecanoe County. (S.A. 11, ¶¶ 44–45.) The Seventh Circuit correctly concluded that Petitioners had not established that those communications were acts of prosecutorial advocacy entitled to absolute immunity. *Martin*, 163 F.4th at 1058–59.

Critically, the denial of absolute immunity did not mean that those communications were unconstitutional. It meant only that those communications were not categorically shielded from suit by absolute prosecutorial immunity. The court therefore proceeded to evaluate the remaining acts through qualified immunity.

B. The Seventh Circuit correctly analyzed qualified immunity under the due-process right Martin actually alleged.

Because the remaining communications were not absolutely immune, the court then considered whether Petitioners were nevertheless entitled to qualified immunity. That inquiry did not, as Petitioners contend, “[r]ecast[] Martin’s claim against the prosecutors as a conspiracy to deny him procedural due process.” (Pet. 10.) It addressed the constitutional injury Martin actually alleged.

The starting point is undisputed. Indiana law gave Martin a protected property interest in his continued employment because he could be terminated only for cause. (S.A. 3, ¶ 6.) Martin also had invoked his statutory right to a Merit Board hearing to contest the disciplinary charges against him. (S.A. 3, ¶ 6.) He relinquished both

when he agreed to resign. (S.A. 7–8, ¶¶ 26–28; S.A. 16, ¶ 76; R. 1, Ex. A.) Thus, as the Seventh Circuit explained, “the critical question” was “whether Martin got all the process he was due before being deprived of this property interest.” *Martin v. Goldsmith*, 163 F.4th 1046, 1060 (7th Cir. 2025).

Ordinarily, Martin’s resignation would end the inquiry. As the court noted, a public employee who voluntarily resigns relinquishes his property interest in continued employment and cannot claim that the government deprived him of that interest without due process. *Id.* at 1060. But Martin alleged that his resignation was *not* voluntary. He alleged that, after demanding his merit board hearing, he agreed to resign only because Goldsmith promised to withdraw the disciplinary charges and provide a neutral reference, hoping these acts would help him secure other full-time employment. He further alleged that Goldsmith and Petitioners were acting in concert and that those promises were made while they intended to disseminate the same allegations after Martin surrendered his employment and hearing rights, effectively making Goldsmith’s promise to withdraw the disciplinary charges meaningless. (S.A. 7–10, ¶¶ 25, 27–30, 32, 34–40; S.A. 16, ¶¶ 73–76.) Taking those allegations as true, the Seventh Circuit concluded that Martin plausibly alleged a resignation “coerced under false pretenses, which could constitute a due process violation.” *Martin*, 163 F.4th at 1060.

That is the role the *Brady/Giglio* communications played in the qualified-immunity analysis. They were relevant not because their dissemination independently violated Martin’s constitutional rights, but because they

were part of the alleged course of conduct through which Martin claimed his resignation had been procured by misrepresentation. The Seventh Circuit said exactly that in rejecting Petitioners' argument that no precedent clearly established that making the disclosures violated Martin's rights:

[T]hat 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. *Id.* at 1060–61.

With the constitutional right properly identified, the clearly-established inquiry was straightforward. The question was whether existing law placed officials on notice that a public employee could not be induced through material misrepresentations to surrender a protected property interest in his employment. And the Seventh Circuit had already answered that question.

In *Spreen v. Brey*, 961 F.2d 109, 112 (7th Cir. 1992), the court recognized a public employee's "clearly established constitutional right" not to be induced to resign through misrepresentations concerning the consequences of resignation. Then *Ulrey v. Reichhart*, 941 F.3d 255, 263 (7th Cir. 2019), reaffirmed this holding, stating "a material misrepresentation that induces resignation can constitute coercion." Those decisions addressed the right Martin actually invoked and, on the allegations the court was required to accept, supplied the clearly established law.

The Seventh Circuit therefore concluded that Petitioners were not entitled to qualified immunity at the pleading stage. *Martin*, 163 F.4th at 1061. That conclusion neither recognized a constitutional right against *Brady/Giglio* disclosure nor imposed any new restriction on prosecutors fulfilling their disclosure obligations. Rather, taking Martin's allegations as true, the court concluded that the conduct not protected by absolute prosecutorial immunity could support a due-process violation for which Petitioners were not entitled to qualified immunity at this stage.

III. PETITIONERS' SPECIFIC QUALIFIED- IMMUNITY ARGUMENTS DO NOT ALTER THE ANALYSIS.

Petitioners' remaining qualified-immunity arguments flow from the same mistaken premise. They contend that the Seventh Circuit defined the right at too high a level of generality because neither *Spreen* nor any other precedent would have placed prosecutors on notice that disseminating *Brady/Giglio* information under these circumstances violated due process. They likewise emphasize that Harrington and Biss were not parties to Martin's Agreement with Goldsmith, that the Agreement did not expressly prohibit *Brady/Giglio* disclosures, and that the challenged communications occurred after Martin's resignation.

But each argument depends on defining the constitutional violation around the disclosures themselves rather than the due-process violation actually alleged. Once the inquiry is properly framed, Petitioners' arguments reduce to two contentions: that the Seventh

Circuit needed precedent more factually identical to this case, and that Petitioners' post-resignation conduct must be considered apart from their alleged participation in the conduct that induced Martin's resignation. Neither is correct.

A. The Seventh Circuit did not define the right at too high a level of generality.

Petitioners rely on *Zorn* to argue that the Seventh Circuit defined Martin's right at too high a level of generality. (Pet. 7–8.) But the Seventh Circuit did not rely on a generalized principle of due process. It relied on *Spreen v. Brey*, 961 F.2d 109 (7th Cir. 1992), a case involving a public employee who alleged that multiple government officials induced her to resign through material misrepresentations. The court held that those allegations could support a due-process claim and that reasonable officials would have understood that such conduct was unlawful. *Spreen*, 961 F.2d at 112–13.

That is materially different from the analysis rejected in *Zorn*. There, the Court faulted the lower court for extrapolating individual elements from multiple, factually different cases to derive a general rule to deny qualified immunity. See *Zorn v. Linton*, 607 U.S. 568, 572–74 (2026). The Court required precedent sufficiently specific that officials could “‘read’ [it] beforehand and ‘know[]’ that it proscribed their specific conduct.” *Id.* at 572 (quoting *City and County of San Francisco v. Sheehan*, 575 U.S. 600, 616 (2015)). Here, the Seventh Circuit pointed to a prior decision addressing materially similar conduct rather than constructing a rule from multiple, factually distinct cases.

Petitioners attempt to distinguish *Spreen*. In *Spreen*, the plaintiff resigned from her job with the County after the defendants misrepresented to her that if she was terminated, she would lose benefits. The Seventh Circuit permitted the plaintiff to pursue a claim against the defendants because the misrepresentations that induced her resignation could constitute a violation of her due-process rights. To Petitioners, *Spreen* is different because the misrepresentations there were made before resignation, whereas the communications from Harrington and Biss occurred after Martin resigned. But clearly established law need not replicate every factual feature of the case before the Court. Although “specificity is important, it does not require a case presenting the exact same facts.” *Taylor v. City of Milford*, 10 F.4th 800, 807 (7th Cir. 2021); *Estate of Perry v. Wenzel*, 872 F.3d 439, 460 (7th Cir. 2017) (explaining that a “case with the exact same fact pattern . . . is not what the qualified immunity analysis requires”). The timing of the alleged communications does not eliminate the relevant similarity between the two cases: in each, the plaintiff alleged that government officials’ material misrepresentations caused him or her to resign in reliance on a false understanding of the consequences of doing so.

More fundamentally, Petitioners’ specificity argument again improperly focuses on the particular *Brady/Giglio* disclosures rather than the conduct for which the Seventh Circuit denied qualified immunity. The Seventh Circuit expressly rejected that characterization. Petitioners demand precedent involving prosecutors making comparable *Brady/Giglio* disclosures in comparable circumstances. But that level of factual correspondence is unnecessary where *Spreen* already addressed the

materially analogous conduct. The absence of *Brady/Giglio* disclosures in *Spreen* does not render its holding impermissibly general.

B. Petitioners improperly isolate their communications from the conduct alleged to have induced Martin's resignation.

Petitioners next emphasize that Harrington and Biss were not parties to Martin's Agreement with Goldsmith and that the Agreement did not expressly prohibit *Brady/Giglio* disclosures. Those arguments address a materially different factual premise from the one the Seventh Circuit was required to accept.

Martin does not allege merely that Petitioners breached Goldsmith's Agreement or somehow became contractually bound by an agreement they did not sign. He alleges that Petitioners acted in concert with Goldsmith in the course of conduct that induced him to surrender his protected employment and his right to a merit board hearing, while intending that the allegations he had relinquished his opportunity to contest would thereafter be disseminated. The Seventh Circuit was required to evaluate qualified immunity against those allegations, not against Petitioners' competing account of their involvement.

The chronology reinforces the point. Martin's merit board hearing was scheduled for April 29 and 30. He executed the Agreement on April 28 and, in reliance on the representations alleged in the Complaint, relinquished that hearing and resigned effective May 3. On May 3 itself, Petitioners circulated the unsigned

disclosure to the Tippecanoe County Bar Association and contacted Martin's employer in Dayton. The case-specific *Brady/Giglio* filings, which the Seventh Circuit held absolutely immune, did not follow until May 11. Viewed in Martin's favor, the court correctly held that the chronology supported the allegation that the May 3 communications occurred on the same day that Martin's resignation became effective and were connected to the alleged course of conduct through which the resignation was obtained.

To be clear, the Seventh Circuit did not hold that Martin *proved* that allegation. It held only that he adequately pleaded it. The court accepted Martin's "allegations as true and [drew] all plausible inferences in his favor" to conclude that the Complaint plausibly alleged that Goldsmith and the prosecutors were working in concert and, if true, made "promises they never intended to keep." *Martin v. Goldsmith*, 163 F.4th 1046, 1052, 1060 (7th Cir. 2025). On those allegations, the court explained, Martin's resignation could have been "coerced under false pretenses." *Id.* at 1060.

Petitioners can only reach their preferred formulation of the clearly established right by reversing that pleading-stage premise. Their formulation treats Petitioners as outsiders to the alleged coordinated conduct, assumes Martin voluntarily surrendered his employment and hearing rights, and then asks whether clearly established law prohibited prosecutors from independently disseminating *Brady/Giglio* information afterward. But those are their factual conclusions, not allegations the Seventh Circuit was free to draw in Petitioners' favor on a motion to dismiss. Petitioners may dispute Martin's

account as the case proceeds, but they cannot use that dispute to recast the constitutional right the Seventh Circuit was required to analyze on the Complaint before it.

IV. THE SEVENTH CIRCUIT DID NOT VIOLATE THE PARTY-PRESENTATION PRINCIPLE.

Petitioners contend that the Seventh Circuit violated the party-presentation principle by identifying the clearly established right on behalf of Martin’s due-process claim. (Pet. 12–13.) Petitioners emphasize Martin’s description of the circumstances as “above all, novel” and his failure to cite the particular precedent on which the Seventh Circuit ultimately relied. (Pet. i, 5, 13–15.) But that argument mistakes a court’s application of governing law for the creation of a new claim or theory.

Qualified immunity was squarely before the courts below. Harrington and Biss sought dismissal on immunity grounds, and the district court expressly addressed qualified immunity. *Martin v. Goldsmith*, No. 2:22-CV-226-PPS-APR, 2023 U.S. Dist. LEXIS 94479, at *7–18 (N.D. Ind. May 30, 2023). After setting forth the two-prong inquiry, the court relied in part on Martin’s “novel” characterization and concluded that the asserted right was not clearly established. *Id.* at 17. It separately concluded that Martin had voluntarily resigned and therefore had not adequately alleged a deprivation of his protected property interest. *Id.* at 18, 20. The district court ultimately dismissed Martin’s federal due-process claim. *Id.* at 20.

Martin appealed that dismissal, and the Seventh Circuit reviewed it *de novo*. Qualified immunity therefore was not an issue the court introduced on its own; it was a ground for the judgment Martin challenged. In reviewing that judgment, the Seventh Circuit necessarily had to determine whether Martin plausibly alleged a constitutional deprivation and, if so, whether the right was clearly established. It concluded that Martin's alleged injury was not the *Brady/Giglio* disclosures themselves, but the use of material misrepresentations to induce him to surrender his protected employment and merit board hearing. The court then identified *Spreen* and *Ulrey* as circuit precedent governing whether such misrepresentations can render a public employee's resignation involuntary.

Nothing about that analysis violated the party-presentation principle. De novo review did not require the Seventh Circuit to adopt the district court's characterization of Martin's claim or limit itself to the authorities Martin cited. *Matter of Kroner*, 953 F.2d 317, 319 (7th Cir. 1992) (“[D]e novo standard of review refers to the appellate court’s fresh look at the way the trial court applied the law to the facts of the case.”). The court did not alter Martin's claim, supply new facts, or introduce a new issue. It applied governing law to the qualified-immunity question the district court had decided and Martin had appealed.

Petitioners nevertheless place considerable weight on Martin's statement that his circumstances were “above all, novel.” (Pet. i, 5, 13–15.) But that description of the factual circumstances was not a concession that no clearly

established law governed Martin’s claim. Indeed, this Court has stressed that “officials can still be on notice that their conduct violates established law even in *novel* factual circumstances.” *Hope v. Pelzer*, 536 U.S. 730, 741 (2002) (emphasis added). Thus, particular events may make this case unusual, but that does not make the underlying constitutional right novel. To hold otherwise would effectively require precedent involving the same actors, mechanism of inducement, and factual sequence before a right could be clearly established.

More fundamentally, Petitioners cannot transform Martin’s description of his circumstances into a limitation on the Seventh Circuit’s review. The district court itself relied on that description in holding that the right was not clearly established; Martin appealed that ruling, he did not concede it. The Seventh Circuit was entitled on de novo review to determine whether the district court’s legal conclusion was correct and to apply the circuit precedent it concluded controlled. Its application of *Spreen* and *Ulrey* was an exercise of appellate review, not judicial invention.

CONCLUSION

The decision below presents no conflict among the courts of appeals, no departure from this Court's immunity precedent, and no unsettled question warranting review in this interlocutory posture. The Petition asks this Court to review a fact-bound decision holding only that Martin's allegations were sufficient to proceed beyond the pleading stage. The Petition for a Writ of Certiorari should be denied.

Respectfully submitted,

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