

20-659 THOMPSON V. CLARK

DECISION BELOW: 794 Fed.Appx. 140

LOWER COURT CASE NUMBER: 19-580

QUESTION PRESENTED:

I. Whether the rule that a plaintiff must await favorable termination before bringing a Section 1983 action alleging unreasonable seizure pursuant to legal process requires the plaintiff to show that the criminal proceeding against him has “formally ended in a manner not inconsistent with his innocence,” *Laskar v. Hurd*, 972 F.3d 1278, 1293 (11th Cir. 2020), or that the proceeding “ended in a manner that affirmatively indicates his innocence,” *Lanning v. City of Glens Falls*, 908 F.3d 19, 22 (2d Cir. 2018); see also *Laskar*, 972 F.3d at 1293 (acknowledging 7-1 circuit conflict).

II. Where a Section 1983 plaintiff brings a Fourth Amendment claim for unlawful warrantless entry of his home and the government pursues a justification of exigent circumstances, does the government have the burden to prove exigency existed (as the Third, Sixth, Ninth and Tenth Circuits have held), or does the plaintiff have to prove its non-existence (as the Second, Seventh and Eighth Circuits have held).

ORDER OF MARCH 11, 2021:

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 3/8/2021