

**04-1495 HARTMAN V. MOORE**

DECISION BELOW: 388 F3d 871

LOWER COURT CASE NUMBER: 03-5241

**QUESTION PRESENTED:**

1. Whether law enforcement agents may be liable under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), for retaliatory prosecution in violation of the First Amendment when the prosecution was supported by probable cause.
2. Whether, if so, the law to that effect was clearly established at the time that criminal charges were filed against respondent, such that petitioners are not entitled to qualified immunity.

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 6/27/2005