

23-50 CHIAVERINI V. NAPOLEON, OH

DECISION BELOW: 2023 WL 152477

LOWER COURT CASE NUMBER: 21-3996

QUESTION PRESENTED:

To make out a Fourth Amendment malicious prosecution claim under 42 U.S.C. § 1983, a plaintiff must show that legal process was instituted without probable cause. *Thompson v. Clark*, 142 S. Ct. 1332, 1338 (2022). Under the charge-specific rule, a malicious prosecution claim can proceed as to a baseless criminal charge, even if other charges brought alongside the baseless charge are supported by probable cause. Under the "any-crime" rule, probable cause for even one charge defeats a plaintiff's malicious prosecution claims as to every other charge, including those lacking probable cause.

The question presented is: Whether Fourth Amendment malicious prosecution claims are governed by the charge-specific rule, as the Second, Third, and Eleventh circuits hold, or by the "any-crime" rule, as the Sixth Circuit holds.

CERT. GRANTED 12/13/2023