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MANUEL V. CITY OF JOLIET: PURSUING A CLAIM UNDER THE FOURTH AMENDMENT

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I. Introduction

In Justice Kagan’s majority opinion in *Manuel v. City of Joliet*, the Supreme Court held that the Fourth Amendment governs a claim sought under 42 U.S.C.A. § 1983 for unlawful pretrial detention, even after the start of the legal process.² Following the “broad consensus among the circuit courts,” the Court overturned the Seventh Circuit’s holding that pretrial detention following the start of the legal process was a claim under the Due Process Clause instead of the Fourth Amendment.³ This note will argue that the Court’s majority opinion correctly held that the Fourth Amendment governs a claim for unlawful pretrial detention both before and after the legal process begins, but the Court incorrectly remanded the statute of limitations issue to the lower court. This note discusses the following: (1) the Fourth Amendment, including its definition, scope, evolution, and remedies; (2) the case at issue; and (3) an analysis of the Court’s holdings.

The Fourth Amendment gives citizens the right to be secure from unreasonable searches and seizures.⁴ The purpose of the Fourth Amendment is to prevent unreasonable governmental intrusions into the privacy of one’s person and belongings.⁵ In *Brendlin v. California*, the Court stated a person is seized when an official restrains one’s freedom of movement such that they are not free to leave.⁶ Additionally, in *California v. Hodari*, the Court held that the requirement to constitute “seizure of a person” (arrest) is either physical force or submission to the assertion of authority when physical force is absent.⁷ The requisite intent is based on the seized person and is wholly subjective—a reasonable person would have believed that they were not free to leave, “in view of all the circumstances surrounding the event.”⁸

A person violates the Fourth Amendment right of another when they have not established probable cause.⁹ The standard of probable cause is fluid—probable cause depends to what extent law enforcement encroaches on one’s liberty.¹⁰ Probable cause for searches, seizures, and arrests is a reasonable standard, whereas pretrial confinement requires a judicial determination.¹¹ If a person deprives the constitutional rights of another, that victim may seek recourse under 42

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² *Manuel v. City of Joliet*, 137 S. Ct. 911 (2017).

³ *Id.* at 917 (quoting *Hernandez-Cuevas v. Taylor*, 723 F.3d 91, 99 (1st Cir. 2013)).

⁴ U.S. CONST. amend. IV.

⁵ *United States v. Calandra*, 414 U.S. 338, 354 (1974).

⁶ *Brendlin v. California*, 551 U.S. 249, 254 (2007).

⁷ *California v. Hodari*, 499 U.S. 621, 626 (1991).

⁸ *Brendlin*, 551 U.S. at 255 (citing *United States v. Mendenhall*, 446 U.S. 544 (1980)).

⁹ U.S. CONST. amend. IV.

¹⁰ *Gerstein v. Pugh*, 420 U.S. 103, 111–12 (1975).

¹¹ *Id.*

U.S.C.A § 1983.¹² This section “‘is not in itself a source of substantive rights,’ but merely provides ‘a method for vindicating federal rights, elsewhere conferred.’”¹³

Because the Bill of Rights is part of the Constitution, § 1983 claims include Fourth Amendment violations such as false imprisonment, unlawful arrest, and unlawful detention.¹⁴ In *Albright v. Oliver*, the petitioner pursued a claim under § 1983 for the infringement of his right to be free from prosecution without probable cause.¹⁵ The Court held that the petitioner had a claim under the Fourth Amendment, not due process, because “the protections of substantive due process have for the most part been accorded to matters relating to marriage, family, procreation, and the right to bodily integrity.”¹⁶ The petitioner’s claim did not bear any relation to those matters.¹⁷ Instead, the petitioner’s claim fell within pretrial deprivations of liberty that the framers addressed when creating the Fourth Amendment.¹⁸ Additionally, the Court had previously stated that these deprivations go hand-in-hand with criminal prosecutions.¹⁹ Although the Court did not address whether the petitioner’s claim would succeed under the Fourth Amendment, the justices—including the majority opinion, Justice Scalia’s concurring opinion, and Justice Ginsburg’s concurring opinion—all stated that the Court should analyze the petitioner’s claim under the Fourth Amendment.²⁰

A plaintiff must adhere to the statute of limitations for a § 1983 Fourth Amendment claim, as they would any other tort, or forfeit their right to recover. Courts determine the applicable time limit by looking to closely-related torts.²¹ This comparison does not create a final determination, but a starting point.²² For example, in *Wallace v. Kato*, the Court held that the statute of limitations for the petitioner’s § 1983 claim of unlawful arrest commenced when he appeared before the magistrate judge.²³ Relying on the analogy of false imprisonment, the Court stated that the limitations period began when the “victim becomes held *pursuant to such process*.”²⁴ In contrast, in *Heck v. Humphrey*, the Court stated that malicious prosecution does not accrue until the criminal proceedings have terminated in the accused’s favor.²⁵

II. Manuel v. City of Joliet

Elijah Manuel was riding in the passenger seat when two city police officers pulled over the car because his brother had failed to signal a turn.²⁶ One of the police officers pulled Manuel

¹² 42 U.S.C.A § 1983 (West 1996).

¹³ *Albright v. Oliver*, 510 U.S. 266, 271 (1994) (quoting *Baker v. McCollan*, 443 U.S. 137, 144 (1979)).

¹⁴ *See Albright*, 510 U.S. 266 (unlawful arrest); *see also Wallace v. Kato*, 549 U.S. 384 (2007) (false imprisonment and unlawful detention).

¹⁵ *Albright*, 510 U.S. at 268.

¹⁶ *Id.* at 272 (citing *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 847–49 (1992)).

¹⁷ *Id.*

¹⁸ *Id.* at 274.

¹⁹ *Id.*

²⁰ *See id.* at 271–77.

²¹ *Heck v. Humphrey*, 512 U.S. 477, 483–84 (1994).

²² *Id.*

²³ *Wallace*, 549 U.S. at 389.

²⁴ *Id.* (emphasis added).

²⁵ *Heck*, 512 U.S. at 489.

²⁶ *Manuel v. City of Joliet*, 137 S. Ct. 911, 915 (2017).

out of the passenger seat, searched him, and found a vitamin bottle containing pills.²⁷ The officers conducted a field test on the pills, but the test came back negative for any controlled substances.²⁸ However, the officers arrested Manuel and took him to the police station.²⁹

Once at the police station, an evidence technician tested the pills and received the same negative result.³⁰ The technician then created a false report that stated one of the pills tested “positive for the probable presence of ecstasy.”³¹ In addition, one of the arresting officers wrote in his report that he knew the pills to be ecstasy.³² As a result of the two reports, the police charged Manuel with the possession of a controlled substance.³³ Later that day, a county court judge ruled in support of probable cause—based solely on the criminal complaint that was based on the police department’s fabrications—and placed Manuel in pretrial detention.³⁴

Manuel spent forty-eight days in pretrial detention before the Assistant State’s Attorney dismissed the drug charge.³⁵ As a result, Manuel filed a § 1983 claim against the city, and several of its police officers, for violating his Fourth Amendment rights by arresting him for no reason and detaining him for almost seven weeks based entirely on fabricated evidence.³⁶

The district court dismissed the suit for two reasons: (1) the two-year statute of limitations barred Manuel’s claim for unlawful arrest and (2) Manuel’s complaint improperly rested upon the Fourth Amendment when relief could only be granted through the Due Process Clause.³⁷ The Seventh Circuit Court of Appeals affirmed the unlawful detention dismissal—the only part that Manuel appealed—because a person detained following the start of legal process could, at most, challenge his pretrial confinement using the Due Process Clause.³⁸ The Seventh Circuit recognized its position was in contrast with the other appellate courts; however, this did not persuade the Seventh Circuit to overturn settled circuit precedent.³⁹

The Supreme Court reversed the circuit’s judgment to dismiss Manuel’s claim for unlawful detention and remanded the statute-of-limitations claim for further proceedings.⁴⁰ Relying on *Albright* and *Gerstein*, the Court held “[t]he Fourth Amendment governs a claim for unlawful pretrial detention even beyond the start of legal process.”⁴¹ Therefore, Manuel could recover under the Fourth Amendment because his legal process lacked the probable cause “prerequisite to extended restraint of liberty following arrest” because the judge relied on falsified evidence.⁴²

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 915–16.

³⁶ *Id.* at 916.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at 917.

⁴⁰ *Id.* at 922.

⁴¹ *Id.* at 920.

⁴² *Gerstein v. Pugh*, 420 U.S. 103, 114 (1975).

III. Case Analysis

The majority's holding and analysis were correct for the issue of pretrial detention; however, the Court was not correct in remanding the statute-of-limitations issue to the lower court.

A. Pretrial Detention

The Court's pretrial detention holding was correct because Manuel's claim fit within the Fourth Amendment definition. The Amendment covers claims arising after legal process commences, malicious prosecution is an accurate analogy to unlawful pretrial detention, and malicious prosecution designates pretrial detention that occurs after legal process.

The majority adequately justified Manuel's claim fell within the plain meaning of the Fourth Amendment because Manuel was (1) seized (2) unreasonably (3) without probable cause. First, Manuel was seized because the police officers restrained his freedom of movement such that he was not free to leave.⁴³ This seizure began when Manuel was arrested, and he remained seized until he was released forty-eight days later. The dissent argued that defining "seizure" to include prolonged detention did not fit within the ordinary meaning of the word because a seizure is a single event, and each additional day a person is held does not renew their seizure.⁴⁴ However, this argument is unpersuasive because the majority did not state that a seizure continuously renews each day, but continues until the person's movement is no longer restricted, such as being released from detention.⁴⁵ Second, Manuel's seizure was unreasonable because the officers arrested Manuel even though they had no evidence that the pills they found were a controlled substance. Finally, Manuel's seizure lacked probable cause because the judicial determination to be held in pretrial detention was based solely on falsified police reports. Therefore, the majority accurately concluded that Manuel's claim fell within the plain meaning of the Fourth Amendment.

The majority applied their holding in *Albright v. Oliver* to Manuel's claim to determine that the protections of the Fourth Amendment cover unlawful detention even after legal process commences.⁴⁶ The similar facts of the cases justify this application. Like the petitioner in *Albright*, Manuel sought recovery for unlawful pretrial restraint that lacked probable cause.⁴⁷ Because the Court held in *Albright* that the petitioner did not have a claim under due process, but rather the Fourth Amendment, the Court was correct in determining that Manuel's claim fell within the scope of the Fourth Amendment as well.⁴⁸

Although the Court did not directly acknowledge that Manuel was seeking relief for malicious prosecution—despite the fact Manuel's petition did—the Court properly characterized Manuel's seizure as an unlawful detention that is covered under the Fourth Amendment.⁴⁹ The dissent in *Manuel* declared the analogy of malicious prosecution "strikingly inapt" because malicious prosecution has three elements that are unrelated to unlawful detention—the defendant

⁴³ *Brendlin v. California*, 551 U.S. 249, 254 (2007).

⁴⁴ *Manuel v. City of Joliet*, 137 S. Ct. 911, 926–27 (2017) (Alito, J., dissenting).

⁴⁵ *See Brendlin*, 551 U.S. at 254.

⁴⁶ *See Albright v. Oliver*, 510 U.S. 266, 286 (1994) (Souter, J., concurring).

⁴⁷ *Id.* at 267; *Manuel*, 137 S. Ct. at 916.

⁴⁸ *See Albright*, 510 U.S. 274–75.

⁴⁹ *Manuel*, 137 S. Ct. at 914.

initiated or continued criminal proceedings without probable cause, the defendant had a malicious intent, and “the proceedings have terminated in the favor of the accused.”⁵⁰

First, the dissent argued that police officers, who are usually the defendants, lacked the authority to initiate criminal proceedings.⁵¹ Second, they argued that malicious intent looks at the subjective intent of the perpetrator, which contradicts the long-held view that the reasonableness standard of the Fourth Amendment is fundamentally objective.⁵² Third, the dissent argued that favorable-termination is not necessary for a violation of the Fourth Amendment because all unreasonable seizures are grounds for a claim, regardless of how prosecution ends.⁵³

The dissent incorrectly scrutinized the malicious prosecution analogy by focusing on an element-to-element comparison of Fourth Amendment violation rather than, more importantly, focusing on the plaintiff’s ability to recover. In *Heck*, the Court explained that malicious prosecution is a close analogy to unlawful conviction or imprisonment, unlike false arrest or imprisonment, because a successful malicious prosecution plaintiff may recover, damages that occur from legal process on—in addition to damages that cover the time of detention up until issuance of legal process.⁵⁴ The majority’s concern in *Manuel*, as it was in *Heck*, was focused on relief for a violation of the Fourth Amendment that occurs after the start of legal process. Therefore, the Court was justified in not addressing the specific elements of malicious prosecution.

Years after *Heck*, the Court in *Wallace* expanded the application of malicious prosecution. In addition to an analogy to unlawful pretrial detention, they added that “unlawful detention forms part of the damages for the ‘entirely distinct’ tort of malicious prosecution, which remedies detention accompanied, not by the absence of legal process, but by *wrongful institution* of legal process.”⁵⁵ Stated otherwise, malicious prosecution is a term used to describe the timeframe of unlawful pretrial detention from legal process until the termination of the criminal proceedings.⁵⁶ Therefore, the majority did not need to directly address Manuel’s claim as malicious prosecution in order to determine Manuel’s relief because the Court analyzed Manuel’s claim as unlawful pretrial detention.

B. Statute of Limitations

The Court’s decision to remand the statute-of-limitations question to the lower court was incorrect because their subsequent holdings, and support from most of the circuit courts, would have allowed for a ruling that Manuel had timely filed.

The majority should have relied on their decision in *Heck* to hold that the statute of limitations for unlawful pretrial detention begins once the criminal proceedings have terminated in the accused favor.⁵⁷ This is harmonious with their pretrial detention holding in *Manuel* because the Court used malicious prosecution as an analogy to unlawful pretrial detention and as a

⁵⁰ RESTATEMENT (SECOND) OF TORTS § 653 (1977).

⁵¹ *Manuel*, 137 S. Ct. at 925 (Alito, J., dissenting).

⁵² *Id.*; see *Brendlin v. California*, 551 U.S. 249, 260 (2007).

⁵³ *Manuel*, 137 S. Ct. at 925–26 (Alito, J., dissenting).

⁵⁴ *Heck v. Humphrey*, 512 U.S. 477, 484 (1994).

⁵⁵ *Wallace v. Kato*, 549 U.S. 384, 390 (2007).

⁵⁶ *See id.*

⁵⁷ *Heck*, 512 U.S. at 489.

descriptor for time spent in pretrial detention after legal process.⁵⁸ The dissent argued that none of the comparable common-law torts—including false arrest—shared an accrual date with a pretrial detention claim.⁵⁹ However, the majority could have rejected this argument because relying on anything other than malicious prosecution as the comparable tort for unlawful pretrial detention would cause issues.

First, common-law torts, such as false imprisonment, would not cover damages accrued during the time spent in detention following legal process.⁶⁰ This would mean that people wrongly imprisoned could only recover for their arrest and the few hours spent in detention before appearing in front of the county judge for a probable cause ruling.⁶¹ Applying this rule, the defendant in *Manuel* could not recover for the forty-eight days that the county court detained him. Second, requiring a plaintiff to pursue two claims based upon series of intermingled facts is inefficient and could cause conflicting resolutions. For example, if a plaintiff's § 1983 claim succeeds after they have been convicted in the related criminal proceedings, the conviction could be invalidated.⁶²

Even if malicious prosecution is the correct tort analogy, the dissent argued the favorable-termination element is not applicable because the Fourth Amendment is not concerned with the outcome of prosecution.⁶³ However, only two of the ten circuit courts take this stance.⁶⁴ The Court has support from a favorable majority of the lower courts to hold that claims, such as Manuel's, have a favorable-termination element that ties commencement of the statute of limitations to the dismissal of the case. Therefore, the Court should have ruled that Manuel's claim was timely.

IV. Conclusion

The Court in *Manuel* correctly held that the Fourth Amendment governs a claim for unlawful pretrial detention both before and after legal process begins. The Court's holding followed settled precedent, reflected the majority opinion among the circuit courts, and followed a plain meaning of the Fourth Amendment.⁶⁵ This holding will have a minimal impact on the lower courts, as all but two circuit courts already follow this holding; however, it will have a greater impact on citizens seeking relief. Plaintiffs can, with confidence, know that any deprivation of liberty is protected under the Fourth Amendment, regardless of when it occurred in conjunction with legal process. By encompassing all seizure claims under the Fourth Amendment, a person who has been arrested, and then put in pretrial detention, will not have to seek recovery twice, under two separate protections—pre-legal process claims would start at the time of the arrest under due process and post-legal process claims would start upon a person's release under the Fourth Amendment.

⁵⁸ *Wallace*, 549 U.S. at 390 (discussing false imprisonment); *Heck*, 512 U.S. at 489–90 (discussing malicious prosecution).

⁵⁹ *Manuel v. City of Joliet*, 137 S. Ct. 911, 924 (2017) (Alito, J., dissenting).

⁶⁰ *Heck*, 512 U.S. at 484.

⁶¹ *Id.*

⁶² *Id.* at 486.

⁶³ *Manuel*, 137 S. Ct. at 921 (Alito, J., dissenting).

⁶⁴ *Id.*

⁶⁵ See generally *Gerstein v. Pugh*, 420 U.S. 103, 103 (1975); *Albright v. Oliver*, 510 U.S. 266, 286 (1994); *Heck*, 512 U.S. 477, 484 (1994).

By contrast, the Court erred when they left the statute of limitations for the lower court to decide. The Court had previously outlined the statute of limitations starting date for Fourth Amendment violations, including unlawful detention.⁶⁶ Its failure to establish a uniform statute of limitations for unlawful pretrial detention created inconsistent commencement dates for similar claims located in different circuits.

⁶⁶ See *Wallace v. Kato*, 549 U.S. 384 (2007); see also *Heck*, 512 U.S. at 477.