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#### **Fourth Circuit Court of Appeals**

(Note: You may access the court's opinion by clicking on the case name)

#### **Court Rules That Law Enforcement Officer Was Entitled to Qualified Immunity Involving Arrest of Suspect for Traffic Stop**

[Pegg v. Herrnberger](#), \_\_\_ F.3d \_\_\_, 2017 WL 35722 (4th Cir. January 4, 2017). A West Virginia law enforcement officer (Herrnberger) saw the plaintiff (Pegg) driving his truck with an expired inspection sticker. When he failed to stop at the officer's command, the officer pursued him and eventually the plaintiff stopped. An altercation occurred when the officer attempted to arrest him. The plaintiff was charged in a West Virginia state court with driving with an expired inspection sticker, assaulting a police officer, and obstructing an officer. The plaintiff was jailed for several hours before being released. All charges were later dismissed.

The plaintiff sued the officer in a West Virginia federal district court for an unlawful arrest under the Fourth Amendment and for other federal and state claims (these other claims will not be discussed in this summary). The federal district court denied the officer's motion for summary judgment based on qualified immunity. The court found that the officer did not "principally" arrest the plaintiff for the expired inspection sticker, but instead for obstructing the officer only after the plaintiff asked the officer a question during the traffic stop.

The fourth circuit reversed the federal district court and ruled that the officer was entitled to qualified immunity. It stated that purported subjective reasons for arresting the plaintiff were not relevant to the qualified immunity issue. The court noted that *Atwater v. City of Lago Vista*, 532 U.S. 318 (2001), had ruled that if an officer has probable cause to believe that a person has committed even a minor criminal offense in the officer's presence, the officer may, without violating the Fourth Amendment, arrest the person even if the offense is not subject to imprisonment.

The court stated that the proper focus is not on an officer's subjective reasons for arresting the plaintiff, but only on the objective facts surrounding the arrest. In this case, the plaintiff admitted that his vehicle had an expired inspection sticker, and the violation had occurred in the officer's presence. Thus, the officer did not violate the Fourth Amendment and was entitled to qualified immunity as a matter of law on the unlawful arrest claim.