

**17-21 LOZMAN V. RIVIERA BEACH, FL**

DECISION BELOW: 681 Fed.Appx. 746

LOWER COURT CASE NUMBER: 15-10550

QUESTION PRESENTED:

In *Hartman v. Moore*, 547 U.S. 250 (2006), this Court held that a plaintiff who claims he was subject to a retaliatory prosecution in violation of the First Amendment must plead and prove the absence of probable cause for the prosecution. The Court subsequently granted certiorari in *Reichle v. Howards*, 566 U.S. 658 (2012), to determine whether that rule should be extended to claims of retaliatory arrest as well. But the Court left that question unanswered, instead resolving the case on grounds of qualified immunity.

This case presents the question *Reichle* reserved:

Does the existence of probable cause defeat a First Amendment retaliatory-arrest claim as a matter of law?

CERT. GRANTED 11/13/2017