

# The Supreme Court – April 4, 2022

by Ian Blodger

Today, the Supreme Court of the United States issued one decision:

**Thompson v. Clark, No. 20-659:** In 2014, police received a report that petitioner Larry Thompson was sexually abusing his newborn baby. When police arrived at Thompson's apartment, he refused to allow them entry without a warrant. The police nonetheless entered and arrested Thompson, charged him with obstructing governmental administration and resisting arrest, and detained him for two days. Thompson's baby was examined by medical professionals, who found no signs of abuse. The charges against Thompson were dismissed before trial without explanation by the prosecutor or judge. Following the dismissal of the criminal case, Thompson filed a suit under 42 U.S.C. Section 1983 alleging various constitutional violations, including malicious prosecution. To prevail on a malicious prosecution claim under Section 1983, a plaintiff must demonstrate that he or she obtained a "favorable termination" of the underlying criminal case. Based on Second Circuit precedent, the district court determined that to show "favorable termination," Thompson was required to establish that his criminal prosecution ended not merely without a conviction, but also with some affirmative indication of his innocence. The Second Circuit affirmed. In a decision authored by Justice Kavanaugh, the Supreme Court held that to demonstrate a "favorable termination" of a criminal prosecution for purposes of the Fourth Amendment claim for malicious prosecution under Section 1983, a plaintiff need not show that the criminal prosecution ended with some affirmative indication of innocence. A plaintiff need only show that his prosecution ended without a conviction. Justice Alito dissented, joined by Justices Thomas and Gorsuch, arguing that the Fourth Amendment does not authorize a claim for malicious prosecution.

View the Court's [decision](#).

## Related People

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