

Bond Case Briefs

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Irizarry v. City and County of Denver

United States District Court, D. Colorado - March 15, 2023 - F.Supp.3d - 2023 WL 2528782

Protestors brought § 1983 action against city, transit authority, and police officer, alleging that officer arrested both of them after they shouted “fuck the police” while protesting police brutality in public plaza and that officer later arrested one of them after protestor returned to plaza to protest previous arrest.

Defendants moved to dismiss for failure to state a claim.

The District Court held that:

- Arrestees stated Fourth Amendment unlawful arrest claim;
- Officer was not entitled to qualified immunity from arrestees’ unlawful arrest claim;
- Arrestee stated Fourth Amendment unlawful arrest claim;
- Arrestee stated retaliatory arrest claim;
- Officer was not entitled to qualified immunity from retaliatory arrest claim;
- Arrestee stated First Amendment violation claim; and
- City was not liable for § 1983 claims.