

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC MEETINGS - FLORIDA

McDonough v. Garcia

United States Court of Appeals, Eleventh Circuit - January 10, 2024 - F.4th - 2024 WL 106093

City resident filed § 1983 action alleging that city and police officers violated First Amendment by banning him from city council meetings, and that officers lacked probable cause to arrest him for disorderly conduct and cyberstalking.

The United States District Court for the Southern District of Florida entered summary judgment in defendants' favor, and plaintiff appealed.

The Court of Appeals held that:

- City council meeting was designated public forum, rather than limited public forum, for First Amendment purposes;
- Trespass order indefinitely banning plaintiff from city hall violated First Amendment;
- Plaintiff's conduct did not provide officer with probable cause to arrest him for disorderly conduct;
- Officers had probable cause to arrest defendant for cyberstalking;
- Officer was entitled to qualified immunity from liability on First Amendment claim; and
- Officers were not entitled to qualified immunity from liability on false arrest claim.