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McDonough v. Garcia

United States Court of Appeals, Eleventh Circuit - September 16, 2024 - F.4th - 2024 WL 4195557

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 affirmed in part, reversed in part, and remanded. Rehearing en banc was granted.

The Court of Appeals held that city council meetings were limited public forums, for First Amendment purposes.

City council meetings were limited public forums for First Amendment purposes, and thus its decision to bar city resident from meetings had to be reasonable in light of purposes served by meetings and could not discriminate on basis of viewpoint; though public comment periods were open to public at large, council limited speech to matters "pertinent to the City."

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