

**10-788 REHBERG V. PAULK**

DECISION BELOW: 611 F.3d 828

LOWER COURT CASE NUMBER: 09-11897

QUESTION PRESENTED:

In *Briscoe v. LaHue*, 460 U.S. 325 (1983), this Court held that law enforcement officials enjoy absolute immunity from civil liability under 42 U.S.C. § 1983 for perjured testimony that they provide at trial. But in *Malley v. Briggs*, 475 U.S. 335 (1986), this Court held that law enforcement officials are not entitled to absolute immunity when they act as "complaining witnesses" to initiate a criminal prosecution by submitting a legally invalid arrest warrant. The federal courts of appeals have since divided about how *Briscoe* and *Malley* apply when government officials act as "complaining witnesses" by testifying before a grand jury or at another judicial proceeding. The question presented in this case is:

Whether a government official who acts as a "complaining witness" by presenting perjured testimony against an innocent citizen is entitled to absolute immunity from a Section 1983 claim for civil damages.

CERT. GRANTED 3/21/2011