

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-13290  
Non-Argument Calendar

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BRANDON JOSEPH PHILLIPS,

*Plaintiff-Appellant,*

*versus*

BARRON HALL,

In his individual capacity,

*Defendant-Appellee.*

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Appeal from the United States District Court  
for the Middle District of Georgia  
D.C. Docket No. 5:22-cv-00204-CAR

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Before WILLIAM PRYOR, Chief Judge, and KIDD and WILSON, Circuit  
Judges.

PER CURIAM:

Brandon Phillips appeals the summary judgment in favor of Investigator Barron Hall of the Jones County Sheriff's Office, and against Phillips's complaint that he suffered a process-based seizure in violation of the Fourth Amendment. 42 U.S.C. § 1983. The district court ruled that Investigator Hall was entitled to qualified immunity because he did not violate Phillips's clearly established constitutional rights. Because Phillips's detention was brief, the district court could consider the facts known to Investigator Hall, which established arguable probable cause. We affirm.

### **I. BACKGROUND**

In June 2019, the Jones County Sheriff's Office and several law enforcement agencies initiated Operation Lone Ranger, an extensive narcotics investigation that involved the wiretapping of phones of several individuals believed to be involved in the distribution and purchase of illegal drugs. Investigator Hall was the lead investigator. One of the targets of the investigation was supplier Hanad Abdulrahman. Over several months in late 2020, investigators intercepted communications from Abdulrahman's phone and identified an individual named Brandon, who spoke with Abdulrahman several times from a number ending in 5192. Abdulrahman and Brandon mentioned exchanging money through Cash App, a mobile payment service, during several calls. Cash App links a user's phone number with a username, known as a "cash tag," which allows an individual to find a Cash App user by using only a phone number. Investigator Crystal Murphy, Hall's partner,

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searched Cash App for the 5192 number and discovered that it was linked to the cash tag \$Bphillips1993. This discovery led her to infer that Brandon's full name was Brandon Phillips and that he was born in 1993. Investigator Murphy communicated her finding to Investigator Hall.

At some point, a second investigator, Robert Reece, who also worked with Investigator Hall, took the information from Investigator Murphy's Cash App search and identified Phillips. Although it is unknown how Investigator Reece identified Phillips, his handwritten notes included the name Brandon Phillips, "W/M," which Investigator Hall understood to mean white male, a full date of birth, the 5192 number from which a Brandon had called Abdulrahman, and a notation "C#21". A surveillance log of Abdulrahman's calls, filtered by the 5192 number, recorded a session entry numbered 21 that recounted an October 2020 call between Brandon and Abdulrahman, during which Brandon asked whether Abdulrahman could meet in Pendergrass, a town in northeast Georgia, because he "couldn't drive all that way." Investigator Reece also obtained a report of Phillips's criminal history through a search of the Georgia Crime Information Center database. The report provided information from Phillips's driver's license, including his date of birth, address in Gainesville, a town in northeast Georgia, and a photo that depicted a white male. The report also stated Phillips's criminal history, including adjudications for driving without a license, without a valid registration, and without insurance.

Investigator Hall, after reviewing Investigator Reece's handwritten notes, Phillips's criminal history report, and the call logs, prepared an application to the Magistrate Court of Jones County for an arrest warrant for Phillips and 102 other individuals. Investigator Hall's affidavit contained two paragraphs and alleged that Phillips committed an offense between October 2020 and November 2020 in violation of the Georgia Racketeer Influenced and Corrupt Organizations Act and recited the elements of the Act. A magistrate judge issued all 103 arrest warrants in January 2021, and in April 2021, a Jones County grand jury indicted Phillips and the other 102 individuals on violations of the Act.

Phillips was arrested on June 30, 2021, in Alpharetta, a town in northeast Georgia. He was held in the Fulton County Jail for about 18 hours. He was then transported to the Jones County Sheriff's Office, where he spoke with Investigators Hall and Murphy and was eventually released after a few hours. The State moved to dismiss the charges against Phillips by *nolle prosequi*, and the court granted the motion and dismissed the charges on September 9, 2021.

Phillips sued Investigator Hall in June 2022 and alleged that he suffered a process-based seizure in violation of the Fourth Amendment when Hall initiated a criminal prosecution against Phillips when Hall knew or should have known that no probable cause or arguable probable cause existed to believe that Phillips had committed any crime. After the parties filed competing motions for summary judgment, the district court granted Hall's motion and

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denied Phillips’s motion. The district court ruled that Hall was entitled to qualified immunity because he was acting within the scope of his discretionary authority and that the legal process for Phillips’s arrest was not constitutionally infirm. The district court also ruled that, although Hall’s affidavit lacked sufficient information to support a finding of probable cause by the issuing magistrate judge, Phillips’s detention was sufficiently brief to allow the district court to consider the information that Hall knew but did not communicate to the magistrate judge. Based on that information, the district court determined that Hall had “at least arguable probable cause” to arrest Phillips.

## II. STANDARD OF REVIEW

“We review a summary judgment based on qualified immunity *de novo*.” *Luke v. Gulley*, 50 F.4th 90, 95 (11th Cir. 2022) (citing *Williams v. Aguirre*, 965 F.3d 1147, 1156 (11th Cir. 2020)). “Summary judgment is appropriate when ‘there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.’” *Id.* (quoting Fed. R. Civ. P. 56(a)). We “view the evidence and all factual inferences therefrom in the light most favorable to the non-moving party, and resolve all reasonable doubts about the facts in favor of the non-movant.” *Williams*, 965 F.3d at 1156 (internal quotation marks omitted).

## III. DISCUSSION

Qualified immunity shields officials from liability when they act within their discretionary authority and their conduct does not violate a constitutional right that was clearly established at the time

of the conduct. *Williams*, 965 F.3d at 1156. To receive qualified immunity, the official bears the initial burden of proving that he was performing a discretionary act. *Id.* Because Phillips does not dispute that Investigator Hall was performing a discretionary act when he applied for the arrest warrant, Phillips must establish that Hall is not entitled to qualified immunity. *See Williams*, 965 F.3d at 1156-57.

To satisfy his burden of establishing that Investigator Hall is not entitled to qualified immunity, Phillips must prove that Hall “violated his Fourth Amendment right to be free from seizures pursuant to legal process,” and that “the criminal proceedings against him terminated in his favor.” *Luke*, 50 F.4th at 95. Neither Phillips nor Hall dispute the second element, that the criminal proceedings against Phillips terminated in his favor. So our analysis turns on the first element.

Phillips must prove that “the legal process justifying his seizure was constitutionally infirm” and that “his seizure would not otherwise be justified without legal process.” *Williams*, 965 F.3d at 1165. Generally, under the Fourth Amendment, “before a warrant for . . . arrest . . . can issue . . . the judicial officer issuing such a warrant [must] be supplied with sufficient information to support an independent judgment that probable cause exists for the warrant.” *Luke*, 50 F.4th at 95 (internal quotation marks omitted). There is, however, “a limited role for the arresting officer’s knowledge in considering the constitutionality of warrant-based seizures.” *Williams*, 965 F.3d at 1164. “That limited role exception

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provides that if the period of detention after arrest is brief, information known to the officers but not communicated to the judicial officer may be considered to uphold the seizure.” *Harris v. Hixon*, 102 F.4th 1120, 1134 (11th Cir. 2024) (citing *Williams*, 965 F.3d at 1162-63, 1164).

Phillips argues that the district court erred by considering facts known to Investigator Hall but not contained within his warrant affidavit, and that even if the district court could have considered those facts, they failed to establish arguable probable cause. We disagree. Phillips was held in the Fulton County Jail for about 18 hours and then transported to the Jones County Sheriff’s Office and released after a few hours. We have held that “four or five hours of detention is brief enough for the exception to apply.” *Harris*, 102 F.4th at 1135. And the Supreme Court has held that detentions lasting more than 48 hours without a judicial determination of probable cause are presumptively unconstitutional. *Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 56-57 (1991). Because Phillips’s detention falls within those guideposts, the district court could consider the facts known to Investigator Hall that he did not communicate to the magistrate judge.

The facts known to Investigator Hall were sufficient to establish arguable probable cause to arrest Phillips. See *Grider v. City of Auburn*, 618 F.3d 1240, 1257 (11th Cir. 2010) (“To receive qualified immunity, an officer need not have actual probable cause, but only ‘arguable’ probable cause.” (citation omitted)). Hall knew that the suspect’s name was Brandon, that Brandon had a Cash App

account with the cash tag \$Bphillips1993, and that Brandon had discussed meeting Abdulrahman in Pendergrass, a town in northeast Georgia, because Brandon “couldn’t drive all that way.” Hall also knew the suspect’s full name was believed to be Brandon Phillips, his date of birth, and that he was a white male. From a criminal history report that Investigator Reece obtained by searching for Brandon Phillips and the identified date of birth, Hall knew that the suspect lived in Gainesville, a town in northeast Georgia, and had a criminal history. Phillips is a white male, was born in 1993, resided at the relevant time in Gainesville, a town in northeast Georgia that is close to Pendergrass, and has a criminal history. A reasonable investigator having the same knowledge as Hall could have believed that probable cause existed to arrest Phillips. *See Grider*, 618 F.3d at 1257 (“Arguable probable cause exists where reasonable officers in the same circumstances and possessing the same knowledge as the Defendants could have believed that probable cause existed to arrest Plaintiff.” (quotation marks omitted)). Because Investigator Hall had arguable probable cause to arrest Phillips, he is entitled to qualified immunity. *See id.*

#### IV. CONCLUSION

We **AFFIRM** the summary judgment in favor of Investigator Hall.