

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11929

CHARLES NEGY,

Plaintiff-Appellee,

versus

BOARD OF TRUSTEES OF THE UNIVERSITY
OF CENTRAL FLORIDA, et al.,

Defendants,

ALEXANDER CARTWRIGHT,
TOSHA DUPRAS,
MICHAEL JOHNSON,
NANCY MYERS,

individually and in their official capacities,

Defendants-Appellants.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:23-cv-00666-CEM-DCI

Before JORDAN, LUCK, and BRASHER, Circuit Judges.

BY THE COURT:

Charles Negy sued the University of Central Florida and University officials S. Kent Butler, Alexander Cartwright, Tosha Dupras, Michael Johnson, and Nancy Myers, in relevant part, for violations of his First Amendment rights. The individual defendants moved for summary judgment on qualified immunity grounds. On May 12, 2025, the district court entered an order denying qualified immunity as to all individual defendants on Negy's First Amendment retaliation claim. Those defendants appeal that ruling.

A jurisdictional question ("JQ") asked the parties to address whether we have jurisdiction over this appeal. Negy argues that we lack jurisdiction because this appeal only presents factual issues of evidentiary sufficiency, and we construe his response as a motion to dismiss the appeal. The appellants argue that we have jurisdiction because this appeal presents issues of law relating to their qualified immunity claims.

Although the May 12 order is not final, we have jurisdiction over this appeal because it challenges a denial of qualified immunity that presents issues of law. *See Haney v. City of Cumming*, 69 F.3d 1098, 1101 (11th Cir. 1995) ("A trial court's denial of qualified immunity at the summary judgment stage is immediately appealable."). We would lack jurisdiction over this appeal if the only issues that the appellants raised were issues of fact. *See Hall v. Flournoy*, 975 F.3d 1269, 1276 (11th Cir. 2020). The appellants, however, argue in their merits brief that, even if they violated the First

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Amendment, that violation was not clearly established, which is an issue of law. *See Mitchell v. Forsyth*, 472 U.S. 511, 528 (1985). Similarly, the appellants' arguments that the district court misapplied the qualified immunity standard—by assuming this was not a mixed motive case, by failing to determine whether the presence of unlawful motivations is a bar to qualified immunity, and by failing to individually analyze each appellant's claim of qualified immunity—concern abstract issues of law for which we have jurisdiction to review. *See id.*; *Behrens v. Pelletier*, 516 U.S. 299, 313 (1996).

Because the appellants raise legal issues regarding the district court's denial of qualified immunity, we have jurisdiction over this appeal. *See Hall*, 975 F.3d at 1276. Accordingly, we DENY Negy's construed motion to dismiss.