

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13328

MARK A.C. ROBINSON,

as Permanent Administrator of the estate of Marando Salmon,

JASMINE M. BROWN,

as parent and next friend of J.M.S., a minor,

Plaintiffs-Appellees,

versus

JORDAN M. VANCE, et al.,

Defendants,

RUSSELL MATHIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:24-cv-04210-SCJ

Before ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges.

BY THE COURT:

Mark Robinson and Jasmine Brown sued Jordan Vance, Russell Mathis, and DeKalb County, Georgia regarding Marando Salmon's death. The plaintiffs asserted violations of the Fourth Amendment based on allegations of (1) unlawful entry into Salmon's home without a warrant, and (2) excessive force resulting in Salmon's death. Mathis filed a motion to dismiss the complaint based on qualified immunity grounds. The district court denied Mathis's motion, concluding that he was not entitled to qualified immunity. Mathis appeals that ruling.

In his merits brief, Mathis argues that we have jurisdiction because this appeal presents issues of law relating to his qualified-immunity defense. The plaintiffs have filed a motion to dismiss, arguing that Mathis's arguments are not supported by the collateral order doctrine or are purely factual such that we do not have jurisdiction over the appeal. Mathis responds that the issues he raises are legal, not factual.

Although the appealed order is not final, we have jurisdiction because Mathis's challenge to the denial of qualified immunity presents an issue of law. *Behrens v. Pelletier*, 516 U.S. 299, 306-08 (1996) (explaining that the denial of either a motion to dismiss or a motion for summary judgment on qualified immunity grounds is immediately appealable under the collateral order doctrine to the extent that the denial turns on a question of law); *Ashcroft v. Iqbal*, 556 U.S. 662, 671-72 (2009) (appeal from denial of motion to dismiss). Mathis argues in his merits brief that the district court erred in (1) basing its conclusions on a theory of liability the plaintiffs

25-13328

Order of the Court

3

never raised and (2) concluding that his conduct was unreasonable and violated Salmon’s clearly established Fourth Amendment rights against unlawful entry and excessive force—both of which present legal issues. While there may be factual disputes about Mathis’s conduct, his appeal does not present only factual issues, and we may address both core qualified immunity issues. *See English v. City of Gainesville*, 75 F.4th 1151, 1155-56 (2023); *Johnson v. Clifton*, 74 F.3d 1087, 1091 (11th Cir. 1996) (explaining that factual issues of what conduct occurred “may be addressed by an appellate court because it is a part of the core qualified immunity analysis”).

Because Mathis raises a legal issue regarding the district court’s denial of qualified immunity, we have jurisdiction over this appeal. *See Behrens*, 516 U.S. at 306-08. Accordingly, the motion to dismiss is DENIED.