

Author's Introduction to the 2025 Edition

This year's update to the revised edition of *Section 1983 Litigation in State and Federal Courts* includes the following highlights:

Discussions of U.S Supreme Court decisions:

- Providing guidance concerning the evidence that a plaintiff with a retaliatory arrest claim had to present to show that the existence of probable cause to arrest did not defeat the claim, *Gonzalez v. Trevino* (§ 3:8)
- Resolving a split in the circuits and holding that an invalid charge alongside a valid one does not categorically preclude a person from raising a Fourth Amendment malicious-prosecution claim and requiring courts to evaluate probable cause charge by charge, *Chiaverini v. City of Napoleon* (§ 3:11)
- Unanimously holding that the supplemental jurisdictional requirements of 28 U.S.C. § 1367(a) were not met in a removed federal question action when a plaintiff amended its complaint to drop its federal claim, *Royal Canin U.S.A., Inc. v Wullschleger* (§ 6:5)
- Treating a state's inverse condemnation proceeding as providing an available remedy for violations of the state and federal constitution taking clauses, *Devilier v. Texas* (§ 15:27)
- Characterizing a state exhaustion of administrative remedies requirement as immunizing state officials from § 1983 suits, and holding that a state could not impose an exhaustion of administrative remedies requirement in a § 1983 action challenging the delay in providing hearings to review the denial of state unemployment compensation benefits, *Williams v. Reed* (§ 17:3)

Additional discussions of decisions addressing:

- The continued unwillingness of the Fifth Circuit to recognize the availability of actions based on the state-created danger exception to *DeShaney* (§ 3:17)

SECTION 1983 LITIGATION IN STATE COURTS

- The use of the “support or advocacy” civil conspiracy clause of § 1985(3) (§ 4:10)
- The split in the circuits as to when a “new context” prevents the recognition of implied *Bivens* actions (§ 5:3)
- The elimination of the need to plead the capacity in which a state defendant is being sued under § 1983 (§ 12:5)
- The application of the Seventh Amendment of the U.S. Constitution to state courts (§ 14:3)
- The availability of self-executing just compensation claims against states (§ 15:27)

Steven H. Steinglass

August 2025

*This 2025 Edition fully replaces the 2023-2024 Edition.
Please recycle or discard those volumes.*