



For Immediate Release
June 11, 2021

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LDF Submits Amicus Brief in U.S. Supreme Court Malicious Prosecution Case

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an amicus brief in *Thompson v. Clark*, a U.S. Supreme Court case that will determine whether a plaintiff filing a 42 U.S.C. § 1983 civil action for unlawful seizure pursuant to legal process—commonly referred to as malicious prosecution—under the Fourth Amendment must show that their criminal prosecution ended in a manner not inconsistent with innocence, as the Eleventh Circuit Court of Appeals decided in *Laskar v. Hurd*, or that their criminal prosecution ended in a manner that affirmatively indicates actual innocence, as the Second Circuit Court of Appeals decided in *Lanning v. City of Glens Falls*. LDF’s amicus brief argues that the Second Circuit’s rule undermines the ability of plaintiffs to seek remedy for baseless arrests and prosecutions – an issue that particularly impacts Black and Brown people, who are disproportionately likely to be unjustifiably arrested and detained by law enforcement.

“Section 1983 was passed in part to provide a legal remedy to individuals who were unlawfully subjected to criminal legal proceedings initiated by law enforcement,” said LDF John Payton Appellate and Supreme Court Advocacy Fellow Mahogane Reed. “Section 1983’s remedial mandate is equally—if not especially—pressing today, as state officials continue to use the legal process to oppress Black people and other people of color. The Second Circuit’s *Lanning* rule undermines the reach and efficacy of Section 1983 and strips people subjected to unjustified arrests and criminal prosecutions of a primary means for vindicating their civil rights.”

“The presumption of innocence in our legal system is no less true when the charges against an individual are dropped,” said LDF Assistant Counsel Ashok Chandran. “To require civil plaintiffs to affirmatively prove their innocence ignores both this presumption and the reality of criminal proceedings: that the vast majority of arrests lead to charges that are dismissed or never even brought—particularly when the person arrested is Black. And many of these decisions are made without any explanation. To uphold *Lanning* would make it nearly impossible for victims of malicious prosecution, who are disproportionately Black, to get justice.”

Read LDF’s amicus brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to

shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).