NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 19-1965

MICHAEL REYNOLDS

v.

MUNICIPALITY OF NORRISTOWN, a/k/a Borough of Norristown; RUSSELL BONO; OFFICER CHARLES DOUGLASS, Badge #191; CORPORAL JOSEPH BENSON, Badge #178; OFFICER BRIAN GRAHAM, Badge #226; OFFICER LINDSEY TORNETTA; SERGEANT TIMS, Badge #109; SERGEANT LANGDON, Badge #161,

Officer Charles Douglass, Corporal Joseph Benson,
Officer Lindsey Tornetta, Sergeant Tims,
Appellants

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(District Court No. 2-15-cv-00016)
District Judge: Honorable Nitza I. Quiñones Alejandro

Submitted Under Third Circuit L.A.R. 34.1(a)
July 6, 2020

Before: McKEE, BIBAS, and FUENTES, *Circuit Judges*.

(Opinion filed: August 19, 2020)

OPINION[*]

McKEE, *Circuit Judge*.

Appellants contest the district court's denial of summary judgment based on their qualified immunity claims. The district court concluded that there were numerous disputed facts and that summary judgment was therefore inappropriate.[1] Appellants merely challenge the validity of those factual disputes which we lack jurisdiction to review in an interlocutory appeal. Therefore, we will dismiss for lack of jurisdiction.

Qualified immunity cases represent an exception to the general rule that denials of summary judgment are not final decisions within the appellate jurisdiction of this Court.[2] "This is so because such orders conclusively determine whether the defendant is entitled to immunity from suit; . . . this question could not be effectively reviewed on appeal from a final judgment because by that time the immunity from standing trial will have been irretrievably lost."[3] However, we may only review such orders when they turn on purely legal questions, within the meaning of *Mitchell v. Forsyth*.[4]

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[*] This disposition is not an opinion of the full court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

[1] *See Reynolds v. Municipality of Norristown*, No. 15-0016, 2019 WL 1429550, at *8 (E.D. Pa. Mar. 28, 2019) (describing specific disputed facts in the record). This satisfies our supervisory rule in *Forbes v. Twp. of Lower Merion*, 313 F.3d 144, 149 (3d Cir. 2002) ("We . . . require that future dispositions of a motion in which a party pleads qualified immunity include, at minimum, an identification of relevant factual issues and an analysis of the law that justifies the ruling with respect to those issues.").

[2] *Plumhoff v. Rickard*, 572 U.S. 765, 771–72 (2014).

[3] *Id.* at 772.

[4] 472 U.S. 511, 528-30 (1985); *see Plumhoff*, 572 U.S. at 772–73 (describing factual questions that are not immediately appealable).

By contrast, when "the district court determines that factual issues genuinely in dispute preclude summary adjudication," appellate jurisdiction is lacking.[5] Here, appellants challenge the district court's determination of what specific officers did or did not do.

As we lack jurisdiction to review those findings of fact by the district court, we must dismiss this appeal.

[5] *Ortiz v. Jordan*, 562 U.S. 180, 188 (2011) (citing *Johnson v. Jones*, 515 U.S. 304, 313 (1995)).