

Robert L. Farb  
School of Government  
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#### **Fourth Circuit Court of Appeals**

(Note: You may access the court's opinion by clicking on the case name)

#### **Court Affirms District Court's Grant of Summary Judgment Based on Qualified Immunity to Virginia Local Mental Health Evaluator in Plaintiff's 42 U.S.C. § 1983 Lawsuit For Allegedly Violating His Fourth Amendment Rights in Ordering Plaintiff's Seizure and Further Detention for Involuntary Commitment Proceedings**

[Raub v. Campbell](#), \_\_\_ F.3d \_\_\_, 2015 WL 1926416 (4th Cir. April 29, 2015). Plaintiff Raub brought a § 1983 lawsuit against Campbell, a local Virginia mental health evaluator, for allegedly violating his Fourth Amendment rights in ordering the plaintiff's seizure and further detention for involuntary commitment proceedings. (Note: There were also a claim of a First Amendment violation, which was also dismissed.) Based on Raub's Facebook posts and emails threatening two Marine veterans who had served with him in Iraq, federal and local law enforcement officers went to his home to interview him. As a result of Raub's extremely intense and emotional behavior and the prior Facebook posts and emails, the officers spoke to Campbell, a certified mental health pre-screener with the local emergency services agency. Campbell recommended that Raub be detained for a mental health evaluation. Raub was placed in custody and transported to the local jail. Campbell interviewed Raub and concluded that he might be paranoid and delusional and Raub met the statutory standard for involuntary temporary detention. Campbell petitioned for and received a temporary detention order from a magistrate judge, and Raub was taken to a hospital, where a psychologist agreed that Raub exhibited symptoms of psychosis. The hospital staff petitioned a court for involuntary commitment, a hearing was held, and the court ordered his admission for thirty days. However, three days later, the court ordered Raub released from the hospital, concluding the petition was devoid of any factual allegations.

The court affirmed the district court's grant of summary judgment for Campbell. The court chose not to reach the question of whether Campbell's conduct amounted to a Fourth Amendment violation (the plaintiff alleged that Campbell acted without probable cause). Rather, it held that Campbell's conduct was not proscribed by clearly established law. The court stated that although its cases and governing statutes provide some guidance concerning the standards for probable cause to seize someone for a mental health evaluation, it was not aware of a case clearly proscribing Campbell's conduct, or even conduct similar to it. After reviewing its cases, the court stated that to the extent they should have informed Campbell's conduct, they support the view that he acted reasonably under prevailing legal standards (see the court's analysis).