

[PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-11428

MICHAEL BAXTER,

Plaintiff-Appellant,

versus

LOUIS ROBERTS, III,
TREVOR LEE,
Deputy,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 5:19-cv-00216-MCR-MJF

Before WILSON, BRANCH, and TJOFLAT, Circuit Judges.

BRANCH, Circuit Judge:

This is an appeal from summary judgment in a civil rights case arising from a traffic stop and arrest that took place in Northwest Florida on December 24, 2017. On that day, Michael Baxter was pulled over by Deputy Trevor Lee of the Jackson County Sheriff's Office for erratic driving. During the stop, Deputy Lee noticed an open container of beer and decided to issue a warning citation. Deputy Lee wrote—but never delivered—the ticket. Instead, a few minutes into the stop, he ordered Baxter out of the truck so he could walk his drug-sniffing dog around the vehicle. The encounter escalated. Baxter resisted Deputy Lee's commands verbally and then physically. Once Baxter exited the truck, Deputy Lee arrested him for obstruction. Baxter suffered minor injuries. His truck was searched, but no drugs were found. The obstruction charge was later dismissed.

A couple years after this encounter, Baxter filed claims against Deputy Lee and the Jackson County Sheriff under 42 U.S.C. § 1983 and Florida common law. In his § 1983 claims against Deputy Lee, Baxter asserted that Deputy Lee violated his Fourth Amendment rights in four ways. Baxter alleged that Deputy Lee (1) initiated the traffic stop without justification; (2) unlawfully prolonged the stop to conduct a dog sniff for the presence of drugs; (3) arrested him for obstruction without probable cause; and (4)

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used excessive force in arresting him. Under a *Monell*¹ theory of liability, Baxter asserted that the Jackson County Sheriff was also responsible for the constitutional violations he endured. In his state law claims, Baxter asserted false imprisonment and battery against Deputy Lee personally and the sheriff vicariously.

The district court granted the defendants summary judgment. It held that Deputy Lee was entitled to qualified immunity on the § 1983 claims and otherwise found that Baxter's claims lacked merit. The district court got it mostly right—but not entirely. One aspect of Baxter's § 1983 claims—whether Deputy Lee unlawfully prolonged the traffic stop—presents triable issues that preclude qualified immunity at the summary judgment stage. The same is true for two aspects of Baxter's false imprisonment claim. In all other respects, the district court was correct.

Accordingly, after careful review and with the benefit of oral argument, we affirm in part, vacate in part, and remand.

I. Background

A. Facts²

On December 24, 2017, Michael Baxter stopped at a convenience store in Northwest Florida to buy gas and a beer.

¹ *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

² At summary judgment, we recite the facts in the light most favorable to Baxter. *See Stryker v. City of Homewood*, 978 F.3d 769, 773 (11th Cir. 2020). However, we credit objective record evidence over Baxter's account when the

After leaving the store, Baxter cracked open the beer, placed it in the cupholder, and kept driving. Around that time, Jackson County Sheriff's Deputy Trevor Lee—who was on patrol in his K9 unit squad car—noticed Baxter's truck. Baxter's driving caught Deputy Lee's attention because he was swerving and weaving within his lane of traffic.³ Deputy Lee followed Baxter and pulled him over after he continued to swerve and weave.

After Baxter pulled over, Deputy Lee exited his squad car and approached the passenger side of Baxter's truck.⁴ Deputy Lee informed Baxter that he had been “all over the road” and asked if he was okay. Baxter responded that he had been “trying to make a phone call.” Deputy Lee asked Baxter for his license, insurance, and registration. Baxter told Deputy Lee he “didn't know” he had been “all over the road.”

At this point, Deputy Lee noticed the cracked beer can in the cupholder and told Baxter he could not have the open container in

two are squarely contradictory. *See Shaw v. City of Selma*, 884 F.3d 1093, 1098 (11th Cir. 2018).

³ Baxter claims that he was driving slowly and carefully when Deputy Lee pulled him over. Baxter's description, however, is in direct conflict with objective record evidence that confirms he was distracted and driving erratically.

⁴ Deputy Lee's bodycam depicts the visual and auditory events of the stop from this point forward in clear detail.

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the vehicle.⁵ Meanwhile, Baxter handed over his license, but was struggling to find his insurance and registration. Deputy Lee told Baxter that he would let him “work on that,” and returned to his squad car. He called dispatch to run a records check.

Deputy Lee then returned to the passenger side of Baxter’s truck. Baxter handed over his insurance card. He kept searching for his registration, but said he “d[idn’t] know where [he] could see it.” Deputy Lee told Baxter to “hang tight” as he was going to write a warning ticket and then “walk my dog around the car.” Deputy Lee went back to his car and typed up what appeared to be a warning ticket for Baxter’s open container violation.

Leaving the warning ticket up on his computer—but without printing or delivering it—Deputy Lee walked to the driver’s side of Baxter’s truck. He instructed Baxter to “turn the truck off and step back here to me.” Baxter asked why he needed to exit the vehicle, and Deputy Lee explained that he planned to “walk[] the dog around the car” to sniff for drugs. Baxter questioned Deputy Lee’s “probable cause” to do so. Deputy Lee asserted that he needed none. For the next minute or so, Deputy Lee repeatedly asked Baxter to step out of the truck while Baxter repeatedly claimed that Deputy Lee had no justification for walking the dog around his vehicle. Baxter eventually complied. He turned the truck off, took the key out, and stepped out. Deputy

⁵ In Florida, having an open container in a vehicle is a noncriminal traffic infraction. *See* Fla. Stat. §§ 316.655, 316.1936(2)(a), 318.13(3).

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