

# DAILY REPORT

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## ‘Deeply Troubled’ 11th Circuit Revives Claim of Woman Jailed Over \$745 Fine

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FEDERAL APPEALS judges were unhappy with how a woman was jailed in the city of McDonough after she said she was unable to pay a \$745 fine for driving without liability insurance, and they said she could pursue under state law a false imprisonment claim against the city.

But the three-judge panel of the U.S. Court of Appeals for the Eleventh Circuit affirmed U.S. District Court Judge Eleanor Ross’ dismissal of the woman’s central federal claims that her civil rights were violated.

“We are deeply troubled by what happened” in the city 30 miles from Atlanta, the panel

wrote in an unsigned decision Tuesday.

One member of the panel, Judge Adalberto Jordan, wrote separately “to express my concern that the McDonough municipal court acted unconstitutionally by jailing Ms. Teagan for failing to pay a fine without determining whether her failure to pay was willful.”

“This practice, which does not appear to be isolated throughout municipal courts in Georgia, flouts the venerable and long-standing principle that debtors’ prisons are unconstitutional,” Jordan added. He also said that Georgia law allows courts to impose community service requirements for litigants who cannot pay fines.

Jordan and Senior Judges Lanier Anderson and Gerald

Tjoflat held that, under Georgia law and Eleventh Circuit precedent, Chief Judge Donald Patten of the McDonough municipal court “was acting on behalf of the state, and not on behalf of the City,” in ordering Teagan jailed when she could not pay her fine.

That distinction doomed her federal civil rights claim, but the panel said Judge Eleanor Ross of the U.S. District Court for the Northern District of Georgia needed to revisit Teagan’s state law claims of false imprisonment.

The panel noted that the “only essential elements [of false imprisonment] are the arrest or detention and the unlawfulness thereof.”

One of the city’s lawyers, Harvey Gray of Gray, Rust, St. Amand, Moffett & Brieske, told

the Daily Report that Jordan's concurrence "addresses general concerns which he is obviously passionate about; however, the general proposition that judicial decisions made by a municipal court judge acting as an independent jurist can subject a city to a damages recovery under federal law is untenable and, to my knowledge, has never been adopted by any circuit court in this country."

"I do not believe," he also said, "that any further analysis of the state law false imprisonment claim is necessary or that it will produce a different result than Judge Ross intended when she entered a final judgment in favor of McDonough with regard to all pending claims."

Teagan did not have a lawyer before the municipal court, but at the Eleventh Circuit she was represented by Rogers & Hardin and the American Civil Liberties Union.

Robert Remar of Rogers & Hardin said, "What happened to Ms. Teagan was an egregious violation of her constitutional rights."


Among the problems with Teagan's jailing, he said, were a warrant for her arrest "for the non-existent offense of 'failure to pay fine' without



*Harvey S. Gray of Gray, Rust, St. Amand, Moffett and Brieske, LLP, attorney for the City of McDonough in the trial court and on appeal, said he was gratified that the 11th Circuit panel affirmed Judge Ross' grant of summary judgment for the city with regard to all federal claims and added that, while the panel remanded the case to the trial court for further explanation of the decision to grant summary judgment to the city with regard to the state law false imprisonment claim, it is unlikely that Judge Ross will reverse her decision to grant summary judgment in favor of the city on that claim also on remand.*

any prior hearing to determine why she had not paid, imposing an additional \$100 fine for 'contempt' without a hearing or any finding of willfulness, and then incarcerating her for 12 days due to her inability to pay the fine."

The court said Teagan was released after her brother paid the fine by drawing from various government benefits and money planned to pay rent.

Remar said the McDonough generated more than \$7.4 million in a five-year period through these practices. 

*Jonathan Ringel (@jonathanringel) is managing editor of the Daily Report.*