

United States Court of Appeals
for the Fifth Circuit

No. 25-60462

United States Court of Appeals
Fifth Circuit

FILED

August 18, 2026

Lyle W. Cayce
Clerk

STACEY ALICIA BONDS,

Plaintiff—Appellee,

versus

SONYA WOODALL, *Individually and in Her Official Capacity as Chief of the Magnolia Police Department*; MIKE MILHOLEN, *Individually and in His Official Capacity as a Magnolia, Mississippi Police Officer*; THE CITY OF MAGNOLIA, MISSISSIPPI,

Defendants—Appellants.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:24-CV-33

Before HIGGINBOTHAM, SMITH, and OLDHAM, *Circuit Judges*.

PER CURIAM:

Stacey Bonds is a kindergarten teacher. During a heated customer-service call regarding her car, Bonds told an agent that she was aggravated and might “kill some little kindergarteners.” The customer-service agent called police, and police arrested Bonds. Bonds then brought a variety of state and federal law claims against the officers and the relevant city. The district court denied the defendants’ motion for summary judgment and qualified

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immunity. We REVERSE as to the denial of qualified immunity and decline to exercise jurisdiction over the remaining claims.

I

One morning, Stacey Bonds wanted to use a remote entry service to unlock her car. But for some reason, the service was unable to help. So Bonds was forced to unlock her car manually. She then drove to the school where she taught kindergarten. As she drove, Bonds repeatedly called the remote entry service, struggling to get through to a real person. Eventually, after Bonds arrived at her school, she succeeded in getting through to a telephone agent.

That call escalated. Bonds began by repeatedly telling the staffer that “my aggression level is very high.” She also said, “[s]o, is there any way that you help me this morning so that I can teach my class and not kill some little [k]indergarteners.” When the support staff fixed the issue, Bonds said, “[y]ou have alleviated my anxious morning and you have saved 20 children from being killed.”

Concerned, the tech support worker reported Bonds’s statements to the authorities in Magnolia, Mississippi. That report prompted two Magnolia police officers—defendants Mike Milholen and Sonya Woodall—to meet with Bonds, school administrators, and other police staff. Bonds admitted to making the remarks but said that her comments were “taken out of context.” The group then asked Bonds to go to the Sheriff’s Office.

At the Sheriff’s Office, Bonds first gave a recorded statement and a written statement in which she admitted to making the comments at issue. At the same time, Officer Milholen called an Assistant District Attorney (“ADA”) responsible for prosecuting cases in Magnolia. The ADA said Bonds would be charged with making terroristic threats under Mississippi Code Section 97-7-75. So, Bonds was charged with “making threats to kill

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twenty (20) kindergarten students if they did not fix her APP on her phone that operates the locks on her Kia Vehicle.” Bonds was processed and placed in jail. Subsequently, her case was presented to a grand jury, which returned a “no bill.”

Bonds sued the City of Magnolia, Chief Woodall, and Officer Milholen. She brought claims for false arrest, false imprisonment, and malicious prosecution under federal and state law. She also brought a Fourteenth Amendment claim.

After discovery, the defendants moved for summary judgment, arguing that the officers were protected by qualified immunity and that Bonds’s claims failed as a matter of law. The district court denied the defendants’ motion. The defendants appealed.

II

A

This case implicates two jurisdictional questions. First, do we have jurisdiction over the denial of qualified immunity? And second, do we have jurisdiction over anything else? We address each issue in turn.

First, jurisdiction over the district court’s denial of qualified immunity. Normally, this court does “not have jurisdiction to review a denial of a summary judgment motion because such a decision is not final within the meaning of 28 U.S.C. § 1291.” *Perniciaro v. Lea*, 901 F.3d 241, 250 (5th Cir. 2018) (citation omitted). But courts treat the “denial of qualified immunity on a motion for summary judgment” as “immediately appealable if it is based on a conclusion of law.” *Id.*; see *Mitchell v. Forsyth*, 472 U.S. 511, 524–30 (1985). The existence *vel non* of probable cause is a legal question, and therefore the district court’s denial of qualified immunity is immediately appealable. *Gonzales v. Dallas Cnty.*, 249 F.3d 406, 411 (5th Cir. 2001).

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Second, what about the rest of the appeal? Recall that Bonds brought both federal and state law claims, and that some of those claims ran only against the officers while others run against Magnolia, Mississippi.

The claims against both the officers and the City implicate this court’s pendent appellate jurisdiction. *Morin v. Claire*, 77 F.3d 116, 119 (5th Cir. 1996); *Carter v. Dupuy*, 173 F.4th 561, 566 (5th Cir. 2026). *But see Frias v. Hernandez*, 142 F.4th 803, 811 (5th Cir. 2025) (OLDHAM, J., concurring) (questioning our jurisdiction over state immunities), *cert. denied sub nom., McKinnon v. Hernandez*, 146 S. Ct. 1480 (2026) (mem.).¹ Pendent appellate jurisdiction allows us to reach issues intertwined with claims over which we have jurisdiction “in the interest of judicial economy.” *McKay v. LaCroix*, 117 F.4th 741, 745 (5th Cir. 2024).

Pendent appellate jurisdiction “is only proper in rare and unique circumstances.” *Id.* (internal quotation marks and citation omitted); *see also Mi Familia Vota v. Ogg*, 105 F.4th 313, 333 (5th Cir. 2024) (same). Indeed, “[o]nly where essential to the resolution of properly appealed collateral orders should courts extend their [collateral order] jurisdiction to rulings that would not otherwise qualify for expedited consideration.” *Swint v. Chambers Cnty. Comm’n*, 514 U.S. 35, 51 (1995) (quoting Riyaz A. Kanji, *The Proper Scope of Pendent Appellate Jurisdiction in the Collateral Order Context*, 100 YALE L.J. 511, 530 (1990)). It “is always discretionary.” *McKay*, 117 F.4th at 745–46.

¹ There is some ambiguity in our precedents concerning whether our jurisdiction over state law immunities is regular appellate jurisdiction or pendent appellate jurisdiction. Compare *Carter*, 173 F.4th at 566, with *Frias*, 142 F.4th at 811. In our view, the correct answer is pendent appellate jurisdiction: After all, we have jurisdiction over the *federal* immunity claims, *see Perniciaro*, 901 F.3d at 250, and our ability to consider anything else sits downstream of that jurisdiction and is justified only on the basis of judicial economy, *see Morin*, 77 F.3d at 119. That approach also matches the way the parties frame this dispute.

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We decline to exercise that discretionary jurisdiction here. Reaching the state law and municipal liability claims would require venturing too far afield from the federal immunity at issue in this appeal, since we would have to parse both state law immunity doctrines and municipal liability standards and then apply them to a contested fact pattern. This is not the “rare and unique” case that justifies the exercise of pendent appellate jurisdiction. *Id.* at 745 (quotation omitted).

B

Next, the merits. The qualified immunity standard “shield[s]” public officials like police officers from money damages liability if their “conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). So police officers enjoy qualified immunity if (A) they did not violate the plaintiff’s constitutional rights or (B) the contours of those rights were not “clearly established” at the time of the violation. *Id.*; *see also Pearson v. Callahan*, 555 U.S. 223, 232 (2009).

Bonds’s false arrest, false imprisonment, and malicious prosecution claims fail on both prongs.

Start with the constitutional guarantee. The Fifth Circuit accepts that the Constitution prohibits false arrest, false imprisonment, and malicious prosecution. *Thomas v. Kippermann*, 846 F.2d 1009, 1011 (5th Cir. 1988) (per curiam) (recognizing false arrest and false imprisonment claims); *Brown v. Lyford*, 243 F.3d 185, 189 (5th Cir. 2001) (recognizing malicious prosecution). Each such claim has as an element that the action be taken without probable cause. *See Thomas*, 846 F.2d at 1011 (“Claims of false arrest, false imprisonment, and malicious prosecution involve the guarantees of the [F]ourth and [F]ourteenth [A]mendments when the individual complains of an arrest, detention, and prosecution without probable

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cause.”); *accord Roper v. Blanton*, No. 25-50384, 2025 WL 3252321, at *1 (5th Cir. Nov. 21, 2025) (per curiam) (unpublished). Thus, the existence of probable cause generally defeats a plaintiff’s claim.

Officer Milholen and Chief Woodhall had probable cause to arrest Bonds. When Bonds had been arrested, the facts clearly supported a reasonable person’s belief that an offense was committed: the officers had a report from a disinterested witness who heard the statements and was concerned enough to call the police. And Bonds herself admitted that she said she would “kill 20 kindergartners today.” Officers also knew that Bonds made such statements at the time that she was in the presence of kindergartners. That gives rise to probable cause. Thus, Bonds cannot show that the officers’ conduct violated the Constitution.²

Next consider the clearly established law requirement. Even if the officers somehow violated the Constitution, at a minimum, Bonds’s right not to be arrested after making such threats was not clearly established. “Overcoming qualified immunity requires showing clearly established law supporting the plaintiff’s claim, and that demands ‘that the legal principle clearly prohibit the officer’s conduct in the particular circumstances before him.’” *Templeton v. Jarmillo*, 28 F.4th 618, 621 (5th Cir. 2022) (quoting *District of Columbia v. Wesby*, 583 U.S. 48, 63 (2018)). Bonds cannot clear that hurdle. There is no similar Supreme Court precedent explaining that Bonds could not be arrested, imprisoned or prosecuted for her statements. *See White v. Pauly*, 580 U.S. 73, 79 (2017). So her claims fail to overcome the officers’ qualified immunity.

² Even worse for Bonds, in the qualified immunity context, courts consider whether there was “*arguably* . . . probable cause for the search and arrest.” *Brown*, 243 F.3d at 190 (emphasis added).

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Finally, consider Bonds's Fourteenth Amendment claim. Bonds alleged that she was deprived of "[f]reedom from a deprivation of liberty without due process of law in violation of the Fourth and Fourteenth Amendments to the United States Constitution."

It is difficult to make much of this claim. On the one hand, it appears to challenge Bonds's supposed detention without probable cause under the Fourth and Fourteenth Amendments. That reading flows from her false arrest, false imprisonment, and malicious prosecution claims, since all are premised on an arrest without probable cause

If that reading is right, Bonds has failed to plead a constitutional violation. This Court has explained that there is "no Fourteenth Amendment 'liberty interest' or substantive due process right to be free from criminal prosecution unsupported by probable cause." *Cuadra v. Houston Indep. Sch. Dist.*, 626 F.3d 808, 814 (5th Cir. 2010); *see also Albright v. Oliver*, 510 U.S. 266, 270–72 (1994). So Officer Milholen and Chief Woodall would enjoy qualified immunity from this claim, too.

Perhaps to avoid that result, Bonds now argues her Fourteenth Amendment claim captures that she was (supposedly) denied a judicial determination of probable cause within forty-eight hours of her arrest in violation of *Gerstein v. Pugh*, 420 U.S. 103 (1975).

But that pivot does not change the result. For one, *Gerstein* says individuals must receive a *judicial determination* of probable cause shortly after their arrest. *Id.* at 125. So it would be odd to say that individual *police officers* violated Bonds's right to a *judicial* hearing.³

³ Bonds also argues that Chief Woodall could have, and should have, ordered a pre-arrest probable cause hearing. But state law is irrelevant to the federal constitutional standard, which the Supreme Court says usually requires a probable cause hearing within

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Even assuming the *Gerstein* violation does run against the officers, the facts do not give rise to a clearly established violation of Bonds's rights. The record demonstrates a municipal court judge reviewed the case and directed that Bonds be held in jail without bond. While the details of that judge's actions are murky, what is clear is that the officers would not have known such conduct was insufficient and clearly violated Bonds's constitutional rights. *See Ziglar v. Abbasi*, 582 U.S. 120, 152 (2017) (“[I]f a reasonable officer might not have known for certain that the conduct was unlawful—then the officer is immune from liability”).

*

The district court erred in denying qualified immunity to Officer Milholen and Chief Woodall. On remand, the district court should consider how the presence of probable cause affects Bonds's remaining claims.

REVERSED.

forty-eight hours *after* detention. *Gerstein*, 420 U.S. at 125; *County of Riverside v. McLaughlin*, 500 U.S. 44, 56 (1991) (“[W]e believe that a jurisdiction that provides judicial determinations of probable cause within 48 hours of arrest will, as a general matter, comply with the promptness requirement of *Gerstein*.”).