

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

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No. 04-3419

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

GRADUAL TAYLOR,)	
)	
Plaintiff-Appellee,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
CHERYL HART,)	SOUTHERN DISTRICT OF OHIO
)	
Defendant-Appellant,)	
)	
CITY OF CINCINNATI POLICE,)	
)	
Defendant.)	

Before: MOORE and COOK, Circuit Judges; GWIN,* District Judge.

PER CURIAM. Finding that Gradual Taylor, proceeding pro se, sufficiently alleged facts—arrest and prosecution without probable cause based on the purposeful and malicious filing of a false police report—that, when viewed in a light most favorable to him, make out a Fourth Amendment violation by Officer Hart and obviate her entitlement to qualified immunity (regardless of the fine contours of such a claim in this circuit at the time of the maliciously false report), we affirm the judgment of the district court and remand for further proceedings.

*The Honorable James S. Gwin, United States District Judge for the Northern District of Ohio, sitting by designation.