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No. 25-1864

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ELIZABETH FOX; MICHAEL WISNIEWSKI; and OSWEGO VIEW, LLC, a Michigan limited liability company, Plaintiffs-Appellants, v. CITY OF JACKSON, MICHIGAN; MATTHEW HAGERTY, Jackson City, Michigan, Attorney; MIKE KLIMMER, Officer, City of Jackson, Michigan, Police Department; and SHANE LAPORTE, Assistant City Manager and Director of Neighborhood Development and Economic Operations, Defendants-Appellees.	**FILED** Oct 13, 2026 KELLY L. STEPHENS, Clerk ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN OPINION

Before: GRIFFIN, BUSH, and HERMANDORFER, Circuit Judges.

GRIFFIN, Circuit Judge.

Plaintiff Elizabeth Fox was arrested for obstruction after refusing a City of Jackson official's command to unlock her door and present her identification when he sought to execute an administrative search warrant at her home. After the charge was dismissed, Fox sued, asserting violations of her Fourth Amendment rights. The district court granted summary judgment in favor of defendants. Because Fox has not shown that the command's unlawfulness is clearly established, we affirm.

I.

A.

Elizabeth Fox and her family live in a home owned by Michael Wisniewski and Oswego View, LLC. The City of Jackson, Michigan wanted to inspect the home to verify compliance with its municipal code. *See* Jackson, Mich. Housing Code, ch. 14, art. 2, § 14-42. But when City Manager Shane LaPorte and Code Enforcement Officer Dave Batterson arrived to inspect it, Wisniewski forbade them from inspecting the interior. So LaPorte and Batterson canvassed only the exterior, documenting various issues.

Still wanting to inspect the home's interior, the City scheduled another inspection. Wisniewski again denied entry. The City then notified Wisniewski that inspectors would return a third time and warned that, if he again refused entry, the City would obtain and execute an administrative search warrant. The City placed a notice to the same effect on the front door of the property. The day before the search, City Inspector Mark Fish obtained an administrative search warrant from a state court to inspect the home's interior. The warrant proved necessary on the day of the search, the events of which were captured in full on Officer Mike Klimmer's body camera.

B.

Inspector Fish, City Manager LaPorte, and Officer Klimmer encountered Wisniewski upon arrival. Wisniewski approached, and Officer Klimmer presented him with the search warrant. After reading the warrant, Wisniewski denied entry, discussed Fourth Amendment jurisprudence, and informed them they were welcome to search the exterior again but not inside the home. After further discussion, Officer Klimmer walked to the backyard, where Fox was gardening.

Officer Klimmer introduced himself and asked Fox whether she understood what was happening. Fox said that she did but wanted to make "clear" that she "d[id] not consent."

Officer Klimmer explained that, because they had a search warrant, refusing entry could result in a citation or arrest for contempt of court. In his view, she was violating a court order, as the search warrant permitted the government to proceed.

Wisniewski joined them in the backyard. He again discussed the entry, the City's prior attempts to inspect the home, and the Fourth Amendment. And Fox reiterated that she did not consent to them entering the home and would not open the door.

Officer Klimmer then gave Fox a choice. He declared that "If you don't unlock the door, for one, we're going to kick it in, and, two, you are gonna get a ticket." Officer Klimmer also said, "It's called contempt of court when I have a judge's order to enter your property." Fox replied, "I will not be opening the door today."

As he warned, Officer Klimmer treated that refusal as grounds for a citation. "Okay, that's fine," he responded. "You will get an appearance ticket. Do you have your ID on you?" Fox said she did not, and when Officer Klimmer said he needed it, Fox declined to get it. Officer Klimmer then arrested her and escorted her to the patrol car.

The warrant, meanwhile, was executed without Fox's assistance. Officer Klimmer gained entry by jimmying the lock with a credit card. He later returned to the patrol vehicle, removed Fox's handcuffs, and asked her to wake up her daughters so they would not be frightened by the officials' presence. The inspection concluded shortly thereafter. Before leaving, Officer Klimmer cited Fox for obstruction. The City soon after dismissed the citation.

Fox, Wisniewski, and Oswego View sued, asserting various constitutional claims under 42 U.S.C. § 1983. Several defendants were dismissed, and the remaining defendants moved for summary judgment. Relevant here, the district court held that (1) plaintiffs forfeited several of their claims, (2) probable cause existed for Fox's arrest, and (3) no reasonable jury could find that

Officer Klimmer used excessive force. Accordingly, the district court granted summary judgment in favor of defendants on all remaining counts. Fox appealed.

II.

We review a grant of summary judgment de novo. *Mitchell v. Conrad*, 176 F.4th 484, 489 (6th Cir. 2026). Summary judgment is required when "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). When, as here, a video recording "clearly depicts the events that actually happened," we adopt that version of the facts. *Shumate v. City of Adrian*, 44 F.4th 427, 438 (6th Cir. 2022) (citation modified).

A.

Fox first maintains that Officer Klimmer violated the Fourth Amendment by arresting her for obstruction without probable cause.[1] Officer Klimmer counters that he had probable cause to arrest her, and even if he did not, he is entitled to qualified immunity. We agree that qualified immunity resolves this claim.

Qualified immunity shields an official from civil liability unless the plaintiff shows that (1) the official violated a constitutional right, and (2) preexisting law clearly established that violation. *Aaron v. King*, 171 F.4th 822, 826 (6th Cir. 2026). Fox has not shown that Officer Klimmer violated clearly established law when he arrested her. Officer Klimmer is therefore entitled to qualified immunity.

[1]Although three plaintiffs brought this action, Fox is the sole party to the appeal and the only issues raised stem from her arrest by Officer Klimmer.

1.

We begin with a threshold matter. The district court concluded that probable cause supported Fox's arrest. Thus, it did not reach the second prong of qualified immunity—whether Officer Klimmer violated clearly established law. But the district court's rationale does not constrain us.

We may affirm "on any ground supported by the record, including on a basis not mentioned in the district court's opinion." *Bazzi v. City of Dearborn*, 658 F.3d 598, 606 (6th Cir. 2011) (citation modified). And although we sometimes remand for the district court to fully consider qualified immunity in the first instance, *see, e.g.*, *Berg v. County of Allegheny*, 219 F.3d 261, 273–74 (6th Cir. 2000), we need not take that step here. For one, the material facts are either undisputed or captured on body camera footage. For another, "whether the law is clearly established presents a purely legal question that we need not leave to the district court to resolve." *Franke v. Janes*, 168 F.4th 797, 811 (6th Cir. 2026) (citation modified); *Sigley v. City of Parma Heights*, 437 F.3d 527, 536 (6th Cir. 2006). Thus, any remand would "be unnecessary" and "simply result in protracted litigation." *Spurlock v. Satterfield*, 167 F.3d 995, 1005 n.16 (6th Cir. 1999).

2.

We now turn to the clearly established inquiry. "The requirement that the law must be clearly established extends as well to state law where one interpretation of a state law is necessary to establish a federal constitutional violation." *Nettles-Nickerson v. Free*, 687 F.3d 288, 292 (6th Cir. 2012); *Barrera v. City of Mt. Pleasant*, 12 F.4th 617, 620 (6th Cir. 2021). Qualified immunity therefore applies when "the state's case law concerning the scope of the statute was" unclear. *King v. Ambs*, 519 F.3d 607, 612 (6th Cir. 2008).

After Fox denied entry and failed to present her identification, Officer Klimmer arrested her for obstruction.[2] In Michigan, one way for an individual to "obstruct" an officer is by "knowing[ly] fail[ing] to comply with a lawful command." Mich. Comp. Laws §§ 750.81d(7)(a), 750.479(8)(a) (same). Fox therefore had to show, at minimum, that it was clearly established that Officer Klimmer's command to unlock the door was unlawful. She has not done so.

Fox primarily relies on *People v. Morris*, 886 N.W.2d 910 (Mich. Ct. App. 2016). That case suggested, in a footnote, that obstruction "requires some physical refusal to comply with a lawful command, as opposed to a mere verbal statement of disagreement." *Id.* at 916 n.6 (citation modified). But, as we have explained, that challenge "arose under the First Amendment, not the Fourth Amendment," and does not "come to grips with the text of this part of the statute, which says nothing about a 'physical refusal' requirement." *Barrera*, 12 F.4th at 625–26. Nor does *Morris* offer guidance on whether an administrative search warrant confers greater authority to an officer than he has during an ordinary *Terry* stop, the scenario present in *Morris*. Regardless, the footnote does not neatly exclude Fox's conduct from the statute. Recall that Fox voiced disagreement, but she also refused to unlock a door and retrieve identification—conduct that could amount to physical refusal. So *Morris* does not clearly place Fox's conduct outside the statute.[3]

[2]The record is unclear whether Officer Klimmer arrested Fox under Mich. Comp. Laws § 750.479(8)(a), § 750.81d(7)(a), or City of Jackson Ordinance § 18-31. The district court relied on § 750.81d(7)(a), Fox on appeal argues from § 750.479(8)(a) and § 750.81d(7)(a), and Officer Klimmer argues from § 750.81d(7)(a). It is enough to say that for our purposes, they appear materially the same.

[3]Fox, to be sure, points to various other cases, but those either (1) postdate the arrest, (2) do not address officers' authority attendant to a search warrant, (3) are not binding, or (4) contain some combination of the first three. Thus, none of them can clearly establish that Officer Klimmer violated the Fourth Amendment. *See Bell v. City of Southfield*, 37 F.4th 362, 367–68 (6th Cir. 2022).

Neither does *United States v. Fuller*, 120 F. Supp. 3d 669 (E.D. Mich. 2015). There, the district court held that fleeing from an unlawfully prolonged detention was not obstruction because the officers' conduct was not lawful to begin with. *Id.* at 688 n.14. But that does not resolve the principal issue here; the lawfulness of the commands here *is* the contested question that precedent must plainly resolve.

Fox's remaining authorities, which all center on consent-to-search principles, do not alter the analysis. True, refusal to consent to a warrantless search cannot be used as evidence of guilt. *People v. Stephens*, 349 N.W.2d 162, 163–64 (Mich. Ct. App. 1984) (per curiam). And, of course, a person may withhold voluntary consent to a warrantless search. *People v. Borchard-Ruhland*, 597 N.W.2d 1, 10 (Mich. 1999); *Camara v. Mun. Ct.*, 387 U.S. 523, 540 (1967); *District of Columbia v. Little*, 339 U.S. 1, 6–7 (1950) (refusing to unlock a door for a warrantless health inspector was not "interference" under a D.C. regulation). But those principles do not govern here: Officer Klimmer had a search warrant, so consent was not needed. They thus have no bearing on whether Officer Klimmer's order to unlock the door was unlawful.

In all, Fox's authorities leave the question unresolved. Our own review of Michigan law leaves it in the same place. *See Elder v. Holloway*, 510 U.S. 510, 516 (1994) (directing courts of appeals to "use its full knowledge of its own and other relevant precedents" (citation modified)). And perusing other jurisdictions, the result varies. The Second Circuit has held that occupants' refusal to open an apartment door for officers executing a family court order—one "equivalent to a search warrant"—constituted physical interference sufficient to arguably support probable cause for obstruction. *Shaheed v. Kroski*, 833 F. App'x 868, 870–72 (2d Cir. 2020). By contrast, an Ohio court held that a search warrant did not require occupants to "cooperate with police during [its] execution." *Middletown v. Hollon*, 807 N.E.2d 945, 949 (Ohio Ct. App. 2004) (citation

modified). To be sure, these decisions construe different statutes and cannot settle Michigan law. But their disagreement underscores that the unlawfulness of Officer Klimmer's order is hardly beyond debate.

In sum, we conclude that preexisting law did not "truly compel" the conclusion that ordering Fox to unlock the door was unlawful. *Bell v. City of Southfield*, 37 F.4th 362, 368 (6th Cir. 2022) (citation modified); *cf. Okorie v. Crawford*, 921 F.3d 430, 432 (5th Cir. 2019) (granting qualified immunity because "the sparse caselaw in this area had not clearly established th[e] unlawfulness" of detaining an occupant during an administrative search). Because "the state's case law concerning the scope of the statute was not clear" when Officer Klimmer acted, Fox cannot show that the unlawfulness of her arrest was beyond debate. *Ambs*, 519 F.3d at 612. Thus, Officer Klimmer is entitled to qualified immunity.

B.

Fox next asserts that Officer Klimmer used excessive force by handcuffing her too tightly. To succeed on this claim, Fox must show, among other things, that she "complained the handcuffs were too tight." *Strickland v. City of Detroit*, 995 F.3d 495, 508 (6th Cir. 2021) (citation modified). But the video evidence shows, and Fox's deposition testimony confirms, that she never complained to Officer Klimmer. So Officer Klimmer is entitled to summary judgment in his favor on this claim.

III.

We affirm.