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Teeple v. Carabba

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 10-1183

MARK TEEPLE,

Appellant

v.

DETECTIVE JOSEPH CARABBA; DETECTIVE KEVIN D. DYKES; DETECTIVE
SERGEANT WILLIAM CAHILL; STEPHEN KELLY, DEPUTY DISTRICT
ATTORNEY

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2-07-cv-02976)
District Judge: Honorable Eduardo C. Robreno

Submitted Under Third Circuit LAR 34.1(a)
on October 7, 2010

Before: FUENTES, JORDAN and ALDISERT, Circuit Judges

(Opinion Filed: October 28, 2010)

OPINION OF THE COURT

PER CURIAM.

Mark Teeple appeals from the summary judgment entered by the District Court for

the Eastern District of Pennsylvania in favor of police officers Joseph Carabba, Kevin Dykes, and William Cahill. He does not appeal the summary judgment in favor of Stephen Kelly, Deputy District Attorney. Teeple essentially contends that genuine issues of material fact existed. We conclude otherwise and affirm.¹

I.

Teeple asserts that (1) material misstatements and omissions of fact precluded a finding of probable cause for his search and arrest, (2) the Court did not determine properly whether Appellees established probable cause for the crime of criminal solicitation to commit robbery, and (3) the Court made decisions properly left to the jury.

Upon a careful review of the briefs and the record, we hold that the detailed Memorandum of the District Court properly and thoroughly addressed the contentions now presented on appeal. After examining at length the relevant affidavits and the alleged misstatements and omissions, the Court correctly determined there were no genuine issues of material fact with respect to probable cause. Because the District Court properly responded to the contentions now raised by Teeple, we will affirm its Judgment for the reasons set forth in its Memorandum. Teeple's remaining contentions are without merit.

The Judgment of the District Court will be AFFIRMED.

¹ The District Court had jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, and 1367. We have jurisdiction pursuant to 28 U.S.C. § 1291.