

# COURT DECISIONS

TUESDAY, JANUARY 20, 2015 |

SECOND CIRCUIT | CIVIL RIGHTS

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## 'Rehberg' Provides Officer Immunity From §1983 Claim Based on Perjurious Grand Jury Testimony

Coggins brought claims under 42 USC §§1981, 1983, 1985 and 1986 against police officers Vara and Buonora. He claimed they knowingly falsified and omitted material facts from police reports, and lied to the district attorney and grand jury, resulting in his malicious prosecution. Buonora sought dismissal, arguing that although perjurious, his grand jury testimony gave him absolute immunity for any act associated with his perjury. District court dismissed only Coggins §1983 claim, ruling the Supreme Court's 2012 decision in *Rehberg v. Paulk* provided Buonora absolute immunity from any §1983 claim based solely on his grand jury testimony. Second Circuit affirmed to the extent district court denied Buonora immunity from suit on Coggins §1983 claims unrelated to Buonora's grand jury testimony. Under Buonora's interpretation of *Rehberg*, any officer could immunize for §1983 purposes any unlawful conduct before and independent of perjurious grand jury appearance by testifying before the grand jury. Such would be inconsistent with *Rehberg's* limitations on the scope of the absolute immunity, which the Supreme Court instructed was not to "extend to all activity that a witness conducts outside of the grand jury room."



**Circuit Judge  
Richard Wesley**  
U.S. Court of  
Appeals

Coggins v. Buonora, 13-4635 (Jan. 13)