FILED
United States Court of Appeals
Tenth Circuit

April 24, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

RYAN-MICHAEL JARVIS,

Plaintiff - Appellant,

v.

COUNTY OF TETON WYOMING; DISTRICT ATTORNEY ANDREW HARDENBROOK; CORPORAL TRAVIS KINSLOW; SERGEANT SETH LEWIS; DEPUTY SARAH KING; CORPORAL ERIK ELIZONDO; CORPORAL JUSTIN JENKINS; SHERIFF CODY WRIGHT; SHERIFF ANTHONY-SCOTT COOMBES; SHERIFF DOUG RAFFELSON,

Defendants - Appellees.

No. 25-8034
(D.C. No. 2:24-CV-00245-ABJ)
(D. Wyo.)

ORDER AND JUDGMENT*

Before **PHILLIPS**, **EID**, and **FEDERICO**, Circuit Judges.

After a dispute at a music festival, pro se appellant Ryan-Michael Jarvis was arrested and detained overnight by the Teton County Sheriff's Department. The

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* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

county cited him with two misdemeanor charges. His case was eventually dismissed. Thereafter, he sued the County of Teton Wyoming, District Attorney Andrew Hardenbrook, and several Teton County Sheriff's Department officers alleging various claims under federal law. The district court dismissed the complaint under Federal Rule of Civil Procedure 12(b)(6). Exercising jurisdiction under 28 U.S.C. § 1291, we affirm

I. Background

Mr. Jarvis attended a music festival in Teton County, Wyoming. Teton County Sheriff's Department officers Sergeant Seth Lewis, Deputy Sarah King, Corporal Travis Kinslow, and Corporal Erik Elizondo were on patrol. At some point, Sergeant Lewis, Deputy King, and Corporal Kinslow were called into the venue to investigate a report of a man with a firearm. The officers arrived, and Mr. Jarvis admitted to having a "brief dispute with a gang of unknown people." R. at 18. According to the police reports, multiple people stated Mr. Jarvis had threatened them. Based on that information, the officers advised Mr. Jarvis he was being detained and asked him if he had a gun. Mr. Jarvis said he did not, and Officer Lewis proceeded with a pat-down search and escorted Mr. Jarvis out of the concert.

The remaining officers then took additional witness statements that included reports that Mr. Jarvis wouldn't leave a woman's friends alone, he grabbed and put his hands on women, he threatened he had a gun, and he was generally being aggressive. While Mr. Jarvis was detained outside the venue, Corporal Elizondo searched him again and removed Mr. Jarvis's wallet, keys, glasses, and other

personal items. The officers then discussed the situation and decided to arrest Mr. Jarvis. Mr. Jarvis asked on what grounds, and Corporal Elizondo told him: "They will tell you when you get there." R. at 46.

Mr. Jarvis arrived at the Teton County Jail around 9:00 p.m. and asked why he was being detained. Sherriff Anthony-Scott Coombes responded that he would produce warrants soon and conducted a third search of Mr. Jarvis. Following the search, Mr. Jarvis had to remove and relinquish everything but his pants and undergarments. Mr. Jarvis was released the next day at noon after he paid his bail in the amount of $769.13. Upon his release, Mr. Jarvis received citations and an affidavit in support of a warrantless arrest.

District Attorney Hardenbrook proceeded with prosecuting Mr. Jarvis. He extended a plea offer, but Mr. Jarvis refused it. Mr. Hardenbrook eventually moved the state court to dismiss the case. At some point, Mr. Jarvis was refunded $750.00 of the bail he had paid.

Mr. Jarvis then commenced the underlying action against Teton County, District Attorney Hardenbrook, and the following Teton County Sheriff's Department officers: Corporal Kinslow, Sergeant Lewis, Deputy King, Corporal Elizondo, Sheriff Justin Jenkins, Sheriff Cody Wright, Sheriff Coombes, and Sheriff Doug Raffelson (together, the Officer Defendants). Mr. Jarvis alleged various constitutional claims under 42 U.S.C. § 1983, a civil rights conspiracy claim under 42 U.S.C. § 1985, conspiracy and racketeering claims under 18 U.S.C. §§ 1961-1968, and criminal violations under 18 U.S.C. §§ 241-242 and 18 U.S.C. § 1001. The

defendants filed two motions to dismiss, one to dismiss the official capacity claims against all defendants and the individual capacity claims against Mr. Hardenbrook, and the second to dismiss the individual capacity claims against the Officer Defendants.

The district court dismissed with prejudice the criminal claims asserted against all the defendants under 18 U.S.C. §§ 241-242 and § 1001, concluding any amendment as to those claims would be futile. The district court dismissed without prejudice the official capacity and individual capacity claims asserted under 42 U.S.C. §§ 1983 and 1985, and 18 U.S.C. §§ 1961-1968. The district court also entered a separate order stating the claims dismissed without prejudice would convert into a dismissal with prejudice if Mr. Jarvis did not amend the complaint within thirty days (the Order to Amend).

II. Jurisdiction

In the Order to Amend, the district court stated: "If [Mr. Jarvis] chooses not to [amend his Complaint], our dismissal shall convert to a dismissal with prejudice and a final judgment will be entered." R. at 317. Rather than amend the complaint, Mr. Jarvis appealed. After the thirty-day period, the district court never entered a final judgment. This left some ambiguity in whether the order was final and appealable under our case law, so the Clerk's Office entered an order to show cause as to why the appeal should not be dismissed for lack of jurisdiction. Mr. Jarvis timely responded.

"In evaluating finality, . . . we look to the *substance* and *objective intent* of the district court's order, not just its terminology." *Moya v. Schollenbarger*, 465 F.3d 444, 449 (10th Cir. 2006). "In cases where the district court order is ambiguous, our approach is to determine as best we can whether the district court's order evidences an intent to extinguish the plaintiff's cause of action, and whether the plaintiff has been effectively excluded from federal court under the present circumstances." *Id.* at 450 (brackets, citation, and internal quotation marks omitted). "If so, then our appellate jurisdiction is proper." *Id.*

Here, the district court gave Mr. Jarvis leave to amend. Under *Moya*, if Mr. Jarvis didn't want to amend his complaint, he was supposed to "notify the district court of his . . . decision to stand on the original complaint and, once a final order or judgment [was] entered, appeal the grounds for dismissal." *Id.* at 451 n.9. At bottom, though, our analysis "look[s] to the language of the district court's order, the legal basis of the district court's decision, and the circumstances attending dismissal to determine the district court's intent in issuing its order—dismissal of the complaint alone or actual dismissal of plaintiff's entire action." *Id.* at 451 (internal quotation marks omitted).

Even though Mr. Jarvis may have been premature in filing the notice of appeal, it is now ripe for review. *See In re Syngenta AG MIR 162 Corn Litig.*, 61 F.4th 1126, 1174 (10th Cir. 2023) (concluding that premature notice of appeal may ripen upon district court's adjudication of all remaining claims); *see also* Fed. R. App. P. 4(a)(2) ("A notice of appeal filed after the court announces a decision

or order--but before the entry of the judgment or order--is treated as filed on the date of and after the entry."). Although the district court never issued a separate final judgment, we are convinced of our jurisdiction because the language in the Order to Amend shows that if Mr. Jarvis chose not to amend the complaint, the district court's objective intent was to dismiss the claims with prejudice. *See In re Syngenta*, 61 F.4th at 1175 ("[R]ipening occurs so long as the prematurely appealed order bears some indicia of finality and is likely to remain unchanged during subsequent court proceedings." (internal quotation marks omitted)).

III. Discussion

Mr. Jarvis challenges the district court's orders dismissing his claims under Federal Rule of Civil Procedure 12(b)(6).[1] We review de novo the district court's dismissal under Rule 12(b)(6). *McNellis v. Douglas Cnty. Sch. Dist.*, 116 F.4th 1122, 1130 (10th Cir. 2024). We "must take as true all well-pleaded facts, as distinguished from conclusory allegations, [and] view all reasonable inferences in favor of the nonmoving party," but "a complaint cannot rely on labels or conclusory allegations—a formulaic recitation of the elements of a cause of action will not do." *Id.* at 1130-31 (brackets and internal quotation marks omitted). Instead, "[t]o survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as

[1] Because Mr. Jarvis proceeds pro se, his filings "are . . . construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers." *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005) (internal quotation marks omitted). However, the court will not act as his advocate or "take on the responsibility of serving as [his] attorney in constructing arguments and searching the record." *Id.*

true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation marks omitted). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*

Mr. Jarvis only challenges the district court's rulings on the § 1983 official capacity claims and the § 1983 individual capacity claims against District Attorney Hardenbrook and the Officer Defendants. He has therefore waived any challenge to the remaining claims. *See Sawyers v. Norton*, 962 F.3d 1270, 1286 (10th Cir. 2020) ("Issues not raised in the opening brief are deemed abandoned or waived." (internal quotation marks omitted)).

A. Official Capacity Claims under § 1983

"[A] [§ 1983] suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official's office." *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989). Such a suit allows a plaintiff to sue a local official's office for a constitutional violation stemming from the governing body's policies. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690 (1978). To plausibly allege a *Monell* claim, Mr. Jarvis had to "allege facts showing (1) an official policy or custom, (2) causation, and (3) deliberate indifference." *Lucas v. Turn Key Health Clinics, LLC*, 58 F.4th 1127, 1145 (10th Cir. 2023). A municipal policy or custom may take one of the following forms:

> (1) a formal regulation or policy statement; (2) an informal custom amounting to a widespread practice that, although not authorized by written law or express municipal policy, is so permanent and

> well settled as to constitute a custom or usage with the force of law; (3) the decisions of employees with final policymaking authority; (4) the ratification by such final policymakers of the decisions—and the basis for them—of subordinates to whom authority was delegated subject to these policymakers' review and approval; or (5) the failure to adequately train or supervise employees, so long as that failure results from deliberate indifference to the injuries that may be caused.

Id. (internal quotation marks omitted).

Mr. Jarvis appears to argue that the Teton County Sheriff's Department and the District Attorney's Office engaged in conduct to delay trial, failed to disclose relevant evidence, wrongfully detained him without prompt judicial review, and charged him without probable cause. He asserts this conduct is reflective of a systemic failure in training, supervision, and accountability. Simply put, he argues that this case shows "a pattern of neglect and tolerance for constitutional violations." Aplt. Opening Br. at 67.

Despite his numerous filings and the breadth of allegations Mr. Jarvis raised in the district court, he did not allege facts to show what the policy or custom might be or, if there was one, that it was a widespread practice within Teton County.[2] Mr. Jarvis's failure to show that a Teton County policy or custom caused the constitutional violations is fatal to this claim.

[2] In the Opening Brief, Mr. Jarvis presents anecdotal evidence of others who had experiences similar to his. But that evidence is not in the record. Accordingly, we decline to consider it. *See Regan-Touhy v. Walgreen Co.*, 526 F.3d 641, 648 (10th Cir. 2008) ("We generally limit our review on appeal to the record that was before the district court when it made its decision.").

B. Individual Capacity Claims under § 1983

Like the district court, we address the individual capacity claims against Mr. Hardenbrook and the Officer Defendants separately.

i. Mr. Hardenbrook

Mr. Jarvis alleged a malicious prosecution claim and a Sixth Amendment claim against Mr. Hardenbrook for both damages and injunctive relief. Mr. Jarvis argues Mr. Hardenbrook's decision to proceed with the prosecution despite no probable cause supporting his arrest was evidence of malicious prosecution. Mr. Jarvis also cites Mr. Hardenbrook's motion to continue the trial and his plea deal offer as additional evidence of malicious prosecution. He argues that arresting and charging someone without probable cause or evidence is conduct like that of an investigator and therefore prosecutorial immunity does not apply. For the Sixth Amendment claim, Mr. Jarvis contends Mr. Hardenbrook took deliberate actions to delay the trial and to deny his ability to confront witnesses.

The district court determined absolute prosecutorial immunity barred the claims against Mr. Hardenbrook for damages because his actions were associated with the judicial process. *See Pfeiffer v. Hartford Fire Ins. Co.*, 929 F.2d 1484, 1489 (10th Cir. 1991) ("It is well established that prosecutors are absolutely immune from suit under section 1983 concerning activities intimately associated with the judicial process, such as initiating and pursuing criminal prosecutions." (ellipsis and internal quotation marks omitted)). The district court also determined the claims for injunctive relief failed because Mr. Jarvis did not plead facts sufficient to support

either claim. After reviewing the briefs, record, and relevant law, we discern no error in the district court's reasoning. So, we affirm for substantially the same reasons discussed in the district court's thorough and well-reasoned June 10, 2025 order granting the motion to dismiss the individual capacity claims against Mr. Hardenbrook. *See* R. at 273-88.

ii. Officer Defendants

Mr. Jarvis raises several issues challenging the district court's ruling on the individual capacity claims against the Officer Defendants. Two issues involve new claims: (1) a *Franks v. Delaware*, 438 U.S. 154 (1978) violation claim and (2) a First Amendment retaliation claim. Because he did not present these issues to the district court and does not argue for plain error review now, we deem them waived and decline to consider them. *See United States v. Leffler*, 942 F.3d 1192, 1196 (10th Cir. 2019) ("When an appellant fails to preserve an issue and also fails to make a plain-error argument on appeal, we ordinarily deem the issue waived (rather than merely forfeited) and decline to review the issue at all—for plain error or otherwise.").

Mr. Jarvis's remaining issues challenge the district court's determinations regarding his (1) Fourth Amendment unlawful seizure, false arrest, and malicious prosecution claims, asserting there was no probable cause to support the seizure, arrest, and prosecution;[3] (2) Fifth and Sixth Amendment claims, asserting he

[3] Mr. Jarvis contends that the unsworn witness testimony the Officer Defendants collected was insufficient to support probable cause. In support, he

plausibly alleged them because he was arrested without a warrant, a clear explanation of the charges against him, or the ability to confront witnesses; and (3) Eighth Amendment excessive bail claim asserting the Officer Defendants prolonged his detention without probable cause.[4] Mr. Jarvis also takes issue with the district court's application of qualified immunity to the individual capacity claims.

The district court determined the Officer Defendants had probable cause to arrest Mr. Jarvis and that qualified immunity applied because Mr. Jarvis did not plead

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includes a quote purportedly from *Spinelli v United States*, 393 U.S. 410, 416 (1969) *abrogated by Illinois v. Gates*, 462 U.S. 213 (1983): "The mere assertion of a complaint . . . without corroboration or personal knowledge of a crime, fails to establish probable cause." Aplt. Opening Br. at 21 (alteration in original) (internal quotation marks omitted). But we cannot find this quote (or any similar proposition) in *Spinelli*. Nor does the quotation appear in any other federal or state case. We therefore suspect that Mr. Jarvis's quotation is a fabrication generated by his use of a generative artificial intelligence (AI) tool. *Cf. Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 497 (D. Wyo. 2025) ("It is . . . well-known in the legal community that AI resources generate fake cases."). Such fabrications are often referred to as "AI [h]allucination[s]," which happen "where an AI large language model generates an output that is fictional, inaccurate, or nonsensical." *Jones v. Kankakee Cnty. Sheriff's Dep't*, 164 F.4th 967, 969 (7th Cir. 2026). We must, of course, disregard Mr. Jarvis's reliance on this quotation. Although we decline to sanction Mr. Jarvis for this fabrication, we warn him—and all litigants appearing before this court, whether pro se or represented by counsel—of the responsibility to ensure that quotations actually appear in the cases to which they are attributed and cited cases arguably stand for the propositions for which they are cited. *See* 10th Cir. R. 46.5(B)(2).

[4] Mr. Jarvis claims that in *Meechaicum v. Fountain*, 696 F.2d 790, 791 (10th Cir. 1983) this court "held that a pretrial detainee may raise an Eighth Amendment claim where false or misleading information prolongs detention." Aplt. Opening. Br. at 40. But this holding is not found in *Meechaicum*. Again, we suspect that Mr. Jarvis's citation was a fabrication generated by his use of an AI tool. *Cf. Wadsworth*, 348 F.R.D. at 497; *Jones*, 164 F.4th at 969.

facts sufficient to make out a constitutional violation. *See VDARE Found. v. City of Colo. Springs*, 11 F.4th 1151, 1175 (10th Cir. 2021) ("In resolving a motion to dismiss based on qualified immunity, the court considers (1) whether the facts that a plaintiff has alleged make out a violation of a constitutional right, and (2) whether the right at issue was clearly established at the time of the defendant's alleged misconduct." (internal quotation marks omitted)). Despite the breadth of Mr. Jarvis's arguments, after reviewing the record, briefs, and relevant law, we find no error in the district court's reasoning. So, we affirm for substantially the same reasons articulated by the district court in its thorough and well-reasoned June 17, 2025 order granting the motion to dismiss the individual capacity claims against the Officer Defendants. *See* R. at 289-316.

IV. Conclusion

We affirm the district court judgment.

Entered for the Court

Gregory A. Phillips
Circuit Judge