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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SAMUEL A. COX,

Plaintiff - Appellant,

v.

BRIAN D. THIE, individually and as Benewah
County Prosecutor, husband and wife, and the
marital community thereof; TRAVIS
HUNTER, husband and wife, and the marital
community comprised thereof; TRISHA
HUNTER, husband and wife, and the marital
community comprised thereof,

Defendants - Appellees,

and

JANE DOE THIE, husband and wife, and the
marital community thereof,

Defendant.

No. 24-5997

D.C. No. 2:22-cv-00199-AKB

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho

Amanda K. Brailsford, District Judge, Presiding
Submitted October 22, 2025**

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Portland, Oregon

Before: W. FLETCHER, CHRISTEN, and HURWITZ, Circuit Judges.

Samuel Cox appeals from the district court’s summary judgment in favor of defendants Brian Thie, Trisha Hunter, and Travis Hunter. We have appellate jurisdiction under 28 U.S.C. § 1291. “We review a district court’s grant of summary judgment de novo and may affirm on any ground supported by the record.” *CFPB v. Gordon*, 819 F.3d 1179, 1187 (9th Cir. 2016). We affirm.

1. Cox brought four claims under 42 U.S.C. § 1983 against Benewah County Prosecutor Brian Thie, alleging unreasonable seizure, false arrest, malicious prosecution, and false imprisonment in violation of the Fourteenth Amendment. The district court correctly found these claims barred by absolute prosecutorial immunity.

It is undisputed that Trisha Hunter secured a state court protective order against Cox in March 2020, forbidding him from interfering with the Hunters’ “ingress or egress to their home.” In April 2020, despite the order, Cox resumed ditching the roads near the Hunters’ property, including the Bypass Road. Cox concedes on appeal that his ditch “rendered the Bypass Road impassable,” and admits that by April 28, 2020, “[i]t was obvious that Mr. Cox had violated the protection order.” On May 6, 2020, Thie submitted a signed criminal complaint

against Cox alleging violation of the protective order to Benewah County Magistrate Judge Douglas Payne.

Thie was acting squarely within the scope of his prosecutorial duties in signing and submitting the complaint. He is therefore entitled to absolute immunity regarding his decision to pursue criminal charges. *See Cousins v. Lockyer*, 568 F.3d 1063, 1068 (9th Cir. 2009) (“A state prosecuting attorney enjoys absolute immunity from liability under § 1983 for his conduct in ‘pursuing a criminal prosecution’ insofar as he acts within his role as an ‘advocate for the State’ and his actions are ‘intimately associated with the judicial phase of the criminal process.’” (quoting *Imbler v. Pachtman*, 424 U.S. 409, 410, 430, 431 n.33 (1976))). Thie’s immunity precludes all of Cox’s § 1983 claims against him.

2. The district court was also correct to reject Cox’s claim of malicious prosecution against Trisha Hunter, acting on behalf of the marital community consisting of herself and her husband, Travis Hunter. Under Idaho law, a malicious prosecution claim requires, *inter alia*, a showing that there was no probable cause for claimant’s prosecution. *Berian v. Berberian*, 483 P.3d 937, 944–45 (Idaho 2020). Here, the record clearly shows that there was probable cause for Cox’s arrest and prosecution due to his violation of the protective order. Thie’s complaint was accompanied by an affidavit of probable cause by Deputy Brandon Vannatter describing the damage Cox had done to the roads leading to the Hunters’

residence in violation of his protective order. Upon receipt of the complaint and affidavit, Judge Payne found probable cause and issued a warrant for Cox's arrest that same day. As noted above, Cox concedes on appeal that it was "obvious" that he had violated the protective order. The existence of probable cause is fatal to the malicious prosecution claim.

The judgment of the district court is therefore **AFFIRMED**.