

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Argued November 4, 2025
Decided November 13, 2025

Before

MICHAEL B. BRENNAN, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 25-1099

BRANDON E. KLEIN,
Plaintiff-Appellant,

v.

BRIAN DANIELS,
Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of
Indiana, Hammond Division.

No. 2:19-cv-00484-TLS

Theresa L. Springmann,
Judge.

ORDER

Officer Brian Daniels of the Schererville Police Department arrested Brandon Klein for violating a protective order. Klein later invoked 42 U.S.C. § 1983 to challenge his arrest and temporary detainment under the Fourth Amendment. The district court entered summary judgment for Officer Daniels because probable cause supported the arrest. We agree and affirm.

I

On September 22, 2015, Klein learned that his new employer had sent some paperwork to his old address, 504 Benco Court, in the northwest Indiana Town of Schererville. This posed a problem because Klein’s then-wife, Leanne Salatas, had

secured a protective order barring him from that property. Klein called the Schererville Police Department for advice and eventually went to the police station with his mother. Klein's mother swears that, when they arrived, the police dispatcher told her "to proceed to 504 Benco Court with [Klein] and that an officer would meet [them] there to retrieve the mail." But Officer Daniels heard a different account. He called dispatcher Kelly Wynkoop, and she told him on a recorded line that she had advised against going to that address. She added that she thought Klein might still show up anyway. So Officer Daniels made his way to the house.

As the dispatcher had suspected, Klein and his mother drove to 504 Benco Court. They parked down the street, and Klein stayed in the car about 150 feet from Salatas's home. See Klein Dep. at 69:14–17, Dkt. No. 85-4. Klein's mother walked up the driveway and met Officer Daniels and Salatas's father. Daniels then learned that Klein was in his mother's car. Daniels said Klein should leave. Klein's mother initially responded by sharing that she "had been told by the Schererville Police Department that [Klein] was allowed to come to 504 Benco Court to meet with an officer for the sole purpose of obtaining his mail." But she and Klein eventually heeded Officer Daniels's instruction and left.

Klein returned to the police station later that day, only to be arrested by Officer Daniels for violating the protective order. See Ind. Code § 35-46-1-15.1(a)(2). Daniels then asked Klein why he went to 504 Benco Court. Klein responded that dispatch had told him to go there to meet a police officer. For his part, Klein also recalls Officer Daniels then confirming that "he knew of the communication and direction [Klein] had received involving dispatch." Klein Aff. ¶ 25, Dkt. No. 93-1.

Officer Daniels later summarized the basis for the arrest in a probable cause affidavit. (That affidavit's procedural context does not matter for this appeal.) Daniels explained that the protective order required "the accused to ... stay away from 504 Benco Ct" and restrained him "from having contact with Steven & Cheryl Salatas." Officer Daniels stated that Klein violated that order by "showing up in front of the home & yelling at Steven and myself." The affidavit never mentioned Klein's mother telling Daniels about the dispatcher's permission.

Klein sued Daniels under 42 U.S.C. § 1983 for what he alleged to be malicious prosecution. Daniels moved to dismiss, and the district court denied the motion as to this claim, construing it as a Fourth Amendment unlawful pretrial detention claim. In time the district court entered summary judgment for Officer Daniels.

Klein now appeals.

II

We review the district court's grant of summary judgment without deference. See *Sornberger v. City of Knoxville*, 434 F.3d 1006, 1012 (7th Cir. 2006). "In order to prevail on a claim of an arrest in violation of the Fourth Amendment, ... plaintiffs must show that they were arrested without probable cause" *Gonzalez v. City of Elgin*, 578 F.3d 526, 537 (7th Cir. 2009). "Probable cause is a common-sense inquiry requiring only a probability of criminal activity; it exists whenever an officer or a court has enough information to warrant a prudent person to believe criminal conduct has occurred." *Young v. City of Chicago*, 987 F.3d 641, 644 (7th Cir. 2021) (cleaned up). "This is not a high bar." *Id.* (cleaned up). "Probable cause requires more than bare suspicion, but need not be based on evidence sufficient to support a conviction, nor even a showing that the officer's belief is more likely true than false." *Maltby v. Winston*, 36 F.3d 548, 556 (7th Cir. 1994) (cleaned up). We assess probable cause objectively based on information known to the officer. See *Young*, 987 F.3d at 644.

Officer Daniels had probable cause to conclude that Klein violated the protective order. Daniels knew that the order barred Klein from being present at 504 Benco Court. And he saw Klein near the house in a car parked at the end of the street, within approximately 150 feet. See Klein Dep. at 69:14–17. Dispatcher Wynkoop had also told Officer Daniels that she had recommended that Klein not go to the house because of the protective order. These facts provided probable cause. See *Hendricks v. State*, 649 N.E.2d 1050, 1052 (Ind. Ct. App. 1995) (holding defendant knowingly violated a protective order by coming within 1,000 feet of the property after being told of the order).

Klein urges a different analysis, but his arguments fall short.

First, Klein contends that Officer Daniels could not have reasonably found a knowing or intentional violation of the protective order. He emphasizes that his mother told Daniels that the dispatcher sent them to 504 Benco Court. We accept this fact as true for the purposes of summary judgment. See *Payne v. Pauley*, 337 F.3d 767, 770 (7th Cir. 2003). But Klein still comes up short because Officer Daniels did not have to believe Klein's mother's summary. See *Spiegel v. Cortese*, 196 F.3d 717, 725 (7th Cir. 1999) ("Many putative defendants protest their innocence, and it is not the responsibility of law enforcement officials to test such claims once probable cause has been established."). On these facts, Officer Daniels could reasonably trust his own dispatcher's version of events over a contrary account from Klein's mother.

Second, Klein insists that Officer Daniels confirmed after the arrest that "he knew of the communication and direction [Klein] had received involving dispatch." Klein Aff. ¶ 25. He asks us to infer that this knowledge came from the police dispatch rather than

his mother. But we need only draw inferences in Klein's favor if they are reasonable. See *Cont'l Cas. Co. v. Nw. Nat'l Ins. Co.*, 427 F.3d 1038, 1041 (7th Cir. 2005). And his position is unreasonable given the recording of the Schererville police dispatcher telling Officer Daniels in clear and unequivocal terms that she had just given Klein the opposite instruction.

Third, Klein alleges that Officer Daniels violated the Fourth Amendment by submitting a misleading probable cause affidavit. That requires identifying a false statement or omitted information that is material. See *Rainsberger v. Benner*, 913 F.3d 640, 647 (7th Cir. 2019). We evaluate materiality by "eliminat[ing] the alleged false statements, incorporat[ing] any allegedly omitted facts, and then evaluat[ing] whether the resulting 'hypothetical' affidavit would establish probable cause." *Betker v. Gomez*, 692 F.3d 854, 862 (7th Cir. 2012). Klein contends that the affidavit falsely reported that he yelled at Officer Daniels and Salatas's father. He also asserts that the affidavit incorrectly stated that the protective order prohibited him from talking with Salatas's father. But omitting those facts would not alter the probable cause determination that Klein violated the protective order by showing up at and getting too close to the house. Klein also maintains that the affidavit should have mentioned that the police dispatch directed him to go to 504 Benco Court, presumably because his mother told Officer Daniels about the direction. But we have already explained that Daniels did not have to credit Klein's mother's summary more than that of his own dispatcher.

For these reasons, we AFFIRM.