

United States Court of Appeals
For the Eighth Circuit

No. 25-1322

Kenneth Hunt

Plaintiff - Appellee

v.

Dale Acosta, Marianna Police Officer, in his individual and official capacity

Defendant - Appellant

Martin Wilson, Chief of Police, in his individual and official capacity; Jimmy
Williams, Marianna Mayor, in his individual and official capacity; City of
Marianna, Arkansas

Defendants

No. 25-2102

Kenneth Hunt

Plaintiff - Appellee

v.

Dale Acosta, Marianna Police Officer, in his individual and official capacity

Defendant - Appellant

Martin Wilson, Chief of Police, in his individual and official capacity; Jimmy Williams, Marianna Mayor, in his individual and official capacity; City of Marianna, Arkansas

Defendants

No. 25-2230

Kenneth Hunt

Plaintiff - Appellant

v.

Dale Acosta, Marianna Police Officer, in his individual and official capacity

Defendant - Appellee

Martin Wilson, Chief of Police, in his individual and official capacity; Jimmy Williams, Marianna Mayor, in his individual and official capacity; City of Marianna, Arkansas

Defendants

Appeal from United States District Court
for the Eastern District of Arkansas - Delta

Submitted: April 14, 2026
Filed: August 17, 2026
[Unpublished]

Before GRUENDER, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Kenneth Hunt obtained a jury verdict in his favor on his unlawful arrest claim against Officer Dale Acosta of the Marianna, Arkansas Police Department. Hunt subsequently moved for and received attorney's fees, though less than he had initially requested. Officer Acosta appeals, challenging an evidentiary ruling of the district court¹ and the attorney's fees award. On cross-appeal, Hunt challenges the hourly rate the district court² used to calculate the attorney's fees award. We affirm.

On January 28, 2019, Judge Durwood W. King was presiding in the Lee County Courthouse, located in Marianna, Arkansas. To prevent overcrowding the courtroom, Judge King had a standing order that he would first hear cases involving individuals who were incarcerated and cases where the defendant's last name started with a letter of the alphabet between A and J. Individuals associated with those cases were expected to wait in the courtroom, while others were expected to wait outside the courtroom.

That morning, Hunt was scheduled to testify as a witness in a criminal case where the defendant was incarcerated and had a last name that started with "W." Even though the defendant was incarcerated—meaning that his case would be heard in the first group—Hunt waited outside the courtroom, under the impression that the case would be heard later because the defendant's last name started with "W." After waiting for twenty to thirty minutes, Hunt decided to pay a visit to the county sheriff and then, upon being informed that the sheriff was out, to the county judge. As Hunt passed the county tax collector's office, Officer Acosta—who oversaw security at the courthouse—stopped him. Their brief interaction, which we describe in detail

¹The Honorable Billy Roy Wilson, United States District Judge for the Eastern District of Arkansas, now deceased.

²The Honorable D. Price Marshall, United States District Judge for the Eastern District of Arkansas, to whom the case was reassigned.

in *Hunt v. Acosta*, 109 F.4th 1003, 1006-07 (8th Cir. 2024), ended in Officer Acosta ordering Hunt's arrest for "obstruction."

Hunt sued Officer Acosta, the Marianna Chief of Police, the Mayor of Marianna, and the City of Marianna under 42 U.S.C. § 1983 for, among other things, violating his Fourth Amendment rights by arresting him without probable cause. See *Herring v. United States*, 555 U.S. 135, 136 (2009) ("The Fourth Amendment . . . usually requires the police to have probable cause or a warrant before making an arrest."). Addressing cross motions for summary judgment, the district court denied qualified immunity and quasi-judicial immunity to Officer Acosta for his arrest of Hunt. On appeal, we affirmed that denial, rejecting Officer Acosta's argument "that Hunt's argument in front of the tax collector's office disrupted and impeded the tax collector's office employees from performing their tasks." *Hunt*, 109 F.4th at 1009. We reasoned that "[a]s distraction alone does not amount to obstruction, no reasonable person would believe probable cause existed to arrest Hunt for obstruction." *Id.*

On remand, at a pre-trial conference, Hunt moved to prevent evidence regarding Judge King's standing order from being admitted for the purpose of showing probable cause for the arrest. Hunt asserted that the district court had "already dealt with that issue." Officer Acosta objected, asserting that neither the district court nor the Eighth Circuit had yet ruled on this question. The district court granted Hunt's motion and excluded Judge King's "testimony and order as it relate[d] to any reason for Mr. Hunt's arrest." Nevertheless, to preserve the record for an appellate challenge to the district court's evidentiary ruling, Officer Acosta proffered certain evidence that the court had excluded in which he and Judge King explained both the mechanics and importance of the standing order.

This evidentiary ruling notwithstanding, the district court allowed Officer Acosta to introduce evidence about Judge King's standing order for the purpose of indicating Officer Acosta's reason for confronting Hunt. Thus, the jury heard about Judge King's standing order throughout trial. Officer Acosta himself testified to the

details of the standing order and that he initially stopped Hunt after he had learned from a fellow officer that Hunt “was not complying with the instructions that were given to him” specifically, the instruction “[t]o be inside the courtroom.”

The jury found in favor of Hunt on his unlawful arrest claim against Officer Acosta, awarding Hunt \$25,000 in compensatory damages and \$15,000 in punitive damages. After trial, Hunt moved for attorney’s fees and costs, requesting a total of \$145,817.50 in fees based on 343.1 hours of work at a rate of \$425 per hour. The district court awarded attorney’s fees but found that the \$425 rate was “a tad high for this kind of work in the Eastern District of Arkansas,” opting instead for a rate of \$350, “which is what Hunt’s lawyer has been awarded for the past few years here.” After other reductions that are not relevant on appeal, the district court awarded a total of \$106,548.75 in fees.

Officer Acosta appeals, arguing that the district court erred by not allowing him to introduce the proffered evidence about the standing order so that he could show that he had probable cause to arrest Hunt, or at least show that he was not acting arbitrarily and maliciously and was thus not liable for punitive damages. In a second appeal, Officer Acosta further argues that the district court abused its discretion by granting attorney’s fees. On cross-appeal, Hunt argues that the district court abused its discretion by reducing the hourly rate for attorney’s fees from \$425 to \$350. Before oral argument, we consolidated the cases. Taking each issue in turn, we affirm.

We first address the district court’s evidentiary ruling, which we review for an abuse of discretion. *Burris v. Gulf Underwriters Ins. Co.*, 787 F.3d 875, 880 (8th Cir. 2015). “An allegedly erroneous evidentiary ruling does not warrant a new trial unless the evidence was so prejudicial that a new trial would likely produce a different result.” *Id.* (citation modified). “To carry this burden, the party must show that the excluded evidence was of such a critical nature that there is no reasonable assurance that the jury would have reached the same conclusion had the evidence

been admitted.” *Gareis v. 3M Co.*, 9 F.4th 812, 816 (8th Cir. 2021) (citation modified).

Officer Acosta argues that the district court abused its discretion when it prevented him from introducing the proffered evidence for the purpose of showing probable cause because no court had yet addressed that issue. He argues that the proffered evidence would support a finding of probable cause because a reasonable officer would have believed Hunt was violating Judge King’s standing order and thus “obstructing governmental operations” as prohibited by Arkansas law. *See Atwater v. City of Lago Vista*, 532 U.S. 318, 354 (2001) (“If an officer has probable cause to believe that an individual has committed even a very minor criminal offense in his presence, he may, without violating the Fourth Amendment, arrest the offender.”); Ark. Code Ann. § 5-54-102(a)(1) (“A person commits the offense of obstructing governmental operations” when, among other things, he “[k]nowingly obstructs, impairs, or hinders the performance of any governmental function.”).

Even assuming the district court’s initial evidentiary ruling was erroneous, Officer Acosta fails to meet our high standard for evidentiary challenges and show that the ruling was prejudicial. We are unpersuaded the proffered evidence was so “critical” that we are left with “no reasonable assurance that the jury would have reached the same conclusion had the evidence been admitted.” *See Gareis*, 9 F.4th at 816. Officer Acosta could—and indeed, did—present abundant evidence describing Judge King’s standing order and indicating that it led Officer Acosta to stop Hunt. Nor did the district court prevent Officer Acosta from *arguing* to the jury that disobedience of Judge King’s standing order constituted obstruction of governmental activities under Arkansas law. Further, the district court did not prevent Officer Acosta from admitting other evidence about the standing order—aside from the proffered portions of his and Judge King’s testimony—to present this issue to the jury. And, indeed, Officer Acosta presented other evidence to the jury that was more than adequate to support this argument. *See Wegener v. Johnson*, 527 F.3d 687, 693 (8th Cir. 2008) (finding no abuse of discretion because excluded evidence, “though relevant, was not that important to [plaintiff’s] case because it

was offered to prove a point in support of which a substantial amount of other evidence was presented to the jury”).

Officer Acosta’s second evidentiary challenge likewise fails. He argues that the proffered evidence also should have been admitted to demonstrate that he did not act arbitrarily and maliciously and thus is not subject to punitive damages. But Officer Acosta *did* present evidence describing Judge King’s standing order and how it motivated his decision to stop Hunt. Even assuming the district court erred by excluding the evidence, we are unconvinced that such an error was “so prejudicial that a new trial would likely produce a different result.” *See Burris*, 787 F.3d at 880.

We next address whether the district court abused its discretion when it awarded attorney’s fees. We review the district court’s award of attorney’s fees for abuse of discretion. *Melgar v. OK Foods*, 902 F.3d 775, 778 (8th Cir. 2018).

Officer Acosta argues the district court should have reduced the amount of the award because Hunt refused an offer to settle for \$20,000 plus attorney’s fees—maintaining that he would only settle for \$150,000—thus causing unnecessary litigation and attorney’s fees. Besides citing no apposite precedent to support this theory, Officer Acosta’s argument makes little logical sense: Hunt ultimately received a judgment of \$25,000 in actual damages and \$15,000 in punitive damages, resulting in a total of \$40,000. The district court did not abuse its discretion by declining to penalize Hunt for rejecting a settlement offer that was half the amount he ultimately received in damages.

We also reject Hunt’s argument on cross-appeal that the district court abused its discretion when it reduced his counsel’s hourly rate from \$425 to \$350. Hunt argues that the district court failed to consider his counsel’s skill and experience as well as the effect of inflation on market rates, pointing to cases dating back to 2017 where his counsel was awarded \$350 per hour. Officer Acosta responds by pointing to recent cases where plaintiffs’ attorneys were awarded \$350 per hour in similar Eastern District of Arkansas cases—including a 2023 case where a different district

court judge awarded \$350 per hour to the very attorney who now serves as counsel for Hunt. *See Adams v. City of Little Rock*, No. 4:19-CV-00440-LPR, 2023 WL 6038125 (E.D. Ark. Sept. 15, 2023). Officer Acosta also points to a 2018 case where this same attorney was awarded \$285 per hour. *See Ridgell v. City of Pine Bluff*, No. 5:16-CV-73-DPM, 2018 WL 6307905 (E.D. Ark. July 23, 2018), *rev'd on other grounds*, 935 F.3d 633 (8th Cir. 2019). We cannot say that the district court abused its discretion by reducing the hourly rate from \$425 to \$350.

For the foregoing reasons, we affirm.
