

[*City of Los Angeles v. Mendez*](#), 581 U.S. ____ (May 30, 2017). Reversing a Ninth Circuit decision that upheld a \$4 million award on a §1983 excessive force claim, the Court rejected the Ninth Circuit's "provocation doctrine," which had allowed relief where the officers' conduct was deemed reasonable. Deputies from the Los Angeles County Sheriff's Department were searching for parolee Ronnie O'Dell. A felony arrest warrant had been issued for O'Dell, who was believed to be armed and dangerous and had previously evaded capture. When law enforcement received a tip that O'Dell had been seen at a home owned by Paula Hughes, officers mapped out a plan for apprehending him. Some officers would approach the residence's front door, while two Deputies--Conley and Pederson--would search the rear of the property and cover the back door. At the time, officers knew that a man named Angel Mendez lived in the backyard of the Hughes home with a woman named Jennifer Garcia. Upon arriving at the home, three officers knocked on the front door. Meanwhile, Conley and Pederson, with guns drawn, searched the rear. The property included a shack made of wood and plywood, occupied by Mendez and Garcia. Conley and Pederson, without a warrant and without knocking and announcing their presence, opened the door to the shack. Conley saw Mendez with a gun, later determined to be a BB gun Mendez used on rats and other pests, and yelled, "Gun!" Deputies immediately opened fire, discharging 15 rounds. Mendez and Garcia were shot multiple times and suffered severe injuries; Mendez's right leg was later amputated below the knee. O'Dell was never found on the property. Mendez and Garcia filed a §1983 suit, alleging three Fourth Amendment claims: that the deputies executed an unreasonable search by entering the shack without a warrant; that the deputies performed an unreasonable search because they failed to announce their presence before entering the shack; and that the deputies effected an unreasonable seizure by deploying excessive force in opening fire after entering the shack. With respect to the excessive force claim, the trial court found that the deputies' use of force was reasonable "given their belief that a man was holding a firearm rifle threatening their lives." However, the trial court applied the Ninth Circuit's provocation rule. Under that rule, "an officer's otherwise reasonable (and lawful) defensive use of force is unreasonable as a matter of law, if the officer intentionally or recklessly provoked a violent response, and that provocation is an independent constitutional violation." Based on this rule, the District Court held the deputies liable for excessive force and awarded respondents around \$4 million in damages. The Ninth Circuit did not disagree with the conclusion that the shooting was reasonable; instead, like the District Court, it applied the provocation rule and held the deputies liable for the use of force on the theory that they had intentionally and recklessly brought about the shooting by entering the shack without a warrant in violation of clearly established law. The Court of Appeals also adopted an alternative rationale for its judgment, holding that "basic notions of proximate cause" would support liability even without the provocation rule because it was "reasonably foreseeable" that the officers would meet an armed homeowner when they "barged into the shack unannounced." The Supreme Court granted certiorari and reversed. The Court held that the Ninth Circuit's provocation rule was "incompatible" with the Court's excessive force jurisprudence, stating that the rule's "fundamental flaw is that it uses another constitutional violation to manufacture an excessive force claim where one would not otherwise exist." The Court went on to reject the Ninth Circuit's proximate cause justification, finding that analysis, "like the provocation rule, conflated distinct Fourth Amendment claims and required only a murky causal link between the warrantless entry and the injuries attributed to it."