

## Case Summaries: Fourth Circuit Court of Appeals (April 9, 13, 17, 18, 22, 28, 29, & 30, 2026)

### **Search of juvenile's phone by school officials was reasonable; juvenile's confession was voluntary**

[O.W. v. Carr](#), 172 F.4th 337 (April 9, 2026). The plaintiff was a thirteen-year-old juvenile. A fourteen-year-old classmate sent the plaintiff an explicit photo of herself. Some months later, the plaintiff showed the photo to at least two other students at school. Teachers heard about this, and a school administrator pulled the juvenile from class to question him. The plaintiff initially denied knowing about the photo but eventually provided a written statement acknowledging that he possessed the photo and had shown it to other students. After giving that statement, the administrator took the plaintiff to another office to continue questioning him. The school resource officer ("SRO") joined at this point, but the questioning was primarily done by the school administrator. The door to the room remained open during questioning. The plaintiff acknowledged that one of the children who was shown the photo forwarded a copy of it to another student from the plaintiff's phone. The SRO then took the plaintiff's phone as evidence and ultimately decided to charge the plaintiff and the other child who forwarded a copy of the photo with a child pornography offense. Outside of the presence of the school administrator, the SRO then asked the plaintiff if the photo was still on his phone. The juvenile admitted it was, and the SRO (who was armed and in uniform) asked the juvenile "in a commanding tone" to show her the image. The juvenile complied. The SRO then Mirandized the juvenile, placed him under arrest, and transported him to juvenile detention.

In juvenile court, the plaintiff moved to suppress, arguing that the school administrator's questioning violated his Fifth Amendment right to remain silent and that the search of his phone violated the Fourth Amendment. The juvenile court judge denied the motions and the juvenile was found guilty. The juvenile court deferred disposition and the matter was eventually dismissed. The juvenile sued the school administrator, the SRO, and others in the Eastern District of Virginia. He complained of Fourth, Fifth, and Fourteenth Amendment violations, along with other claims. The district court eventually granted summary judgment to the defendants. It found that the search of the juvenile's phone was reasonable and that the juvenile's confession was voluntary. On appeal, a unanimous panel of the Fourth Circuit affirmed.

The plaintiff argued that the search of his phone was not permitted under U.S. Supreme Court caselaw. Under *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), school officials may generally search a student without a warrant when reasonable suspicion exists to believe the student has committed a crime or violated school rules. A court examining a search by school officials must determine "whether the search was justified at its inception," and "whether the search as actually conducted 'was reasonably related in scope to the circumstances which justified the interference in the first place.'" *O.W.* Slip op. at 13-14 (internal citations omitted). If both prongs of that test are met, the school search is reasonable and does not offend the Fourth Amendment.

Here, the search of the plaintiff's phone was justified at the time of the search because the school official had a report that the phone contained an inappropriate image and because the plaintiff admitted to having it on his phone. Possession of such an image was both illegal and a violation of school rules. The scope of the search was also limited, in that the school official only looked through the photo gallery of the device. "Such a limited search was certainly reasonable given the circumstances justifying it (i.e., allegation of child pornography and the distribution thereof in school)". *Id.* at 19.

The plaintiff argued in part that *T.L.O.* as applied to cell phone searches was at least partially abrogated by *Riley v. California*, 573 U.S. 373 (2014) (holding that a cell phone may not be searched without a warrant incident to arrest). The court found that the plaintiff waived this argument by only arguing it in passing. Even assuming the issue was not waived, the court rejected the argument on the merits. *Riley* concerned the scope of the exception to the warrant requirement for searches incident to arrest. The holding in *T.L.O.* was motivated by different concerns (primarily, balancing the privacy rights of children in school against school officials' need to maintain a safe learning environment), and *Riley* is not easily read to supplant *T.L.O.* "In short, O.W. has failed to demonstrate that [the school administrator's] search of his phone violated the Fourth Amendment." *O.W.* Slip op. at 24.

Turning to the Fifth Amendment claim, the plaintiff argued that his confession to the school official was involuntary. Courts determine the voluntariness of a confession by looking at the totality of circumstances. *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973). Those circumstances include "the individual's age, education, whether a *Miranda* warning was given, the length of detention and questioning, and the use of physical punishment." *Id.* at 226. While special consideration must be given when examining the confession of a child under *J.D.B. v. North Carolina*, 564 U.S. 261 (2011), here, the plaintiff's confession was voluntarily given. The plaintiff was not threatened; the confession occurred in the middle of the day; the questioning was for a relatively short period of time and was conducted by a school official in the school setting. According to the court:

At the time he was questioned, O.W. was 13 years old. He was unaccompanied by a parent. Had [the school administrator's] conduct been more coercive than it was, O.W.'s age may have made this a closer case. But in the end, even a boy as young as 13 can choose between truth and a falsehood when he is simply asked to recount what happened. *O.W.* Slip op. at 28.

Arguments as to the City and School Board's liability were similarly rejected and the judgment of the district court was affirmed in all respects.

**Summary judgment to officer on excessive force claim reversed; district court to consider qualified immunity on remand**

[Payne v. Moser](#), 172 F.4th 408 (April 13, 2026). Police received a tip from an informant that the plaintiff was selling illegal drugs and was frequently armed with a gun. Officers arranged to conduct a controlled buy between the informant and the plaintiff in the parking lot of a shopping center. They agreed that probable cause existed to arrest the plaintiff regardless of whether the sale took place. When the plaintiff arrived, however, he became suspicious and attempted to drive away without conducting the transaction. One undercover officer got out of his car and waved his arms at the plaintiff to stop. The plaintiff saw this but did not stop. Officers followed the plaintiff in four unmarked cars, including a Ford F-150 truck. As the plaintiff pulled up to a stop sign near the exit of the complex, the officers tried to

surround his car. One of the officers pulled in front of the plaintiff. In response, the plaintiff turned sharply, drove over a curb, and onto a service road. At this point, the plaintiff believed he was being robbed or that someone was attempting to kill him. Another officer then hit the plaintiff's car from behind, causing it to spin around. The car came to a rest near the top of an embankment. An officer allegedly feared that the plaintiff (who was still inside his car) was reaching for a gun and shot the plaintiff in his left arm through the back window of his car. In fact, the plaintiff was unarmed, and his left arm was in a cast due to a recent surgery. The plaintiff claimed that he only noticed lights and sirens after his car came to a stop and that when he turned around to see what was behind him, he was blinded by the lights coming from the nearest unmarked car.

The plaintiff sued the officer who shot him in the Eastern District of Virginia for excessive force, based on the gunshot wound and the officer having allegedly directed other officers to twice ram his car. The district court granted the officer-defendant's motion for summary judgment, finding that there were no genuine disputes of material fact and that the officer acted reasonably. The plaintiff appealed and the Fourth Circuit reversed.

Viewing the evidence in the light most favorable to the plaintiff, there were multiple disputes of material fact, and the district court erred in concluding otherwise. For instance, the parties disagreed about whether the officer-defendant directed other officers to hit the plaintiff's car, how many times the plaintiff's car was hit, the point at which officers activated their lights and sirens, and the point at which the plaintiff became aware that he was being pursued by law enforcement. Turning to the reasonableness of the officer's actions, the plaintiff was being investigated for a serious drug offense and had information indicating that he may be armed with a gun. At the point that officers began using force against the plaintiff's car, though, the plaintiff was not presenting an imminent threat to the officers. "[The plaintiff] was driving neither quickly nor recklessly, nor was there any other apparent danger to pedestrians." *Payne* Slip op. at 13. The plaintiff was also not actively resisting arrest at the time of the use of force. "All of the detectives' vehicles were unmarked, black, and had tinted windows. The detectives did not activate their lights or sirens, nor did they attempt to pull Payne over, before they used the TVI and PIT maneuvers to stop him. . . . A reasonable jury could conclude that Payne was not aware that law enforcement was in the vicinity." *Id.* at 14. On balance, the officer's actions in allegedly directing the use of force to stop the plaintiff's car were not objectively reasonable. Likewise, regarding the shooting, there was a dispute about whether the plaintiff was moving furtively once his car was stopped. No record evidence, such as video of the encounter, directly contradicted the plaintiff's version of events that he did not reach for the center console, so summary judgment was inappropriate.

In closing, the court observed: "We are mindful that police officers are sometimes forced to make split second decisions that can mean the difference between life or death for themselves and their fellow officers. Such considerations cannot, however, excuse the use of excessive force in violation of the Fourth Amendment." *Id.* at 19.

The district court did not consider whether the officer was entitled to qualified immunity because it found no constitutional violation. The matter was remanded for additional proceedings, including consideration of qualified immunity.

**Divided panel finds question about firearms in the car unreasonably extended the traffic stop under the circumstances; denial of motion to suppress reversed**

[U.S. v. Martin](#), 173 F.4th 110 (April 17, 2026). The defendant was a passenger in a car traveling through the Monongahela National Forest. A U.S. Forest Service officer noticed the car parked on the side of the road and asked the occupants if they needed assistance. They did not, and the officer left. Around 45 minutes later, the same officer came upon the same car. This time, it was parked on a single-lane bridge. The officer stopped the car for being parked on the bridge. The officer activated his body camera, but there was a 30-second lag before it started recording audio and a two-minute lag before it started recording video. During the first two minutes of the stop, the officer told the driver and passenger why he stopped them. He asked the driver for her license and whether there were any guns in the car. The driver acknowledged that she had a gun. The officer then asked whether there was anything else in the car he should know of. About a minute later, the officer asked the defendant for his license. The officer recovered the gun from under the driver's seat and checked its serial number. He then asked the driver again if there was anything else in the car, and the driver admitted another gun was under the passenger seat where the defendant had been sitting. While waiting to receive information about the pair's licenses and backgrounds, the officer discussed ginseng poaching with the two, noting that both locations where he had encountered them were popular with poachers. About 12 minutes into the stop, dispatch informed the officer that the defendant had felony convictions. The officer then placed the defendant under arrest, secured the gun under the defendant's seat, and released the driver without writing her a ticket. The officer dropped off the defendant with family nearby after informing him that he may be charged criminally.

Around two-and-a-half years later, the defendant was indicted in the Southern District of West Virginia for possession of firearm by a felon. He moved to suppress, arguing that the officer deviated from the mission of the stop and unlawfully extended it to investigate firearms offenses. The district court denied the motion and the defendant entered a conditional guilty plea, preserving his right to appeal the denial of his motion.

On appeal, a divided panel of the Fourth Circuit reversed. Under *Rodriguez v. U.S.*, 575 U.S. 348, 354 (2015), "the permissible scope of a traffic stop is generally 'determined by the seizure's mission—to address the traffic violation that warranted the stop and attend to related safety concerns.'" An officer's duties during a routine traffic stop may include checking licenses, registration, insurance, and ensuring the driver has no outstanding warrants. Questions about officer safety may be asked if they do not extend the duration of the stop. Here, the officer immediately deviated from the mission of the stop and unnecessarily extended the stop by beginning a firearms investigation. "[The officer's] questions were not reasonably related to the purpose of the stop and were instead focused on investigating unrelated criminal activity. . . Those inquiries would have been lawful if they were conducted during the course of a diligently conducted stop, but that is not the case here because [the officer] abandoned the stop from the very beginning." *Martin* Slip op. at 8. The majority noted that one of the officer's first questions was about firearms and that he "never returned to the purpose of the stop" *Id.* at 9. Instead, he asked repeatedly about guns or other contraband in the car and discussed his concerns about ginseng poaching. The officer also never cited the driver for the traffic violation. While the court has approved of general officer safety questions in other cases, those cases involved completely different circumstances, such as a traffic stop in a high-crime area, at night, of a driver known to be a convicted felon, with nervous behavior from other occupants of the car. *See, e.g., U.S. v. Buzzard*, 1 F.4th 198 (4th Cir. 2021). Under the totality of circumstances here, no facts supported the need for the officer to know more about the contents of the vehicle. The court observed that this traffic stop occurred in broad daylight;

the occupants exhibited no nervous or unusual behavior; the officer never felt the need to secure the pair, even after learning of the existence of at least one firearm. The officer even turned his back towards the two at one point during the encounter. “No matter what the Government may claim about [the officer’s] safety concerns, ‘the reasonableness of a seizure depends on what the police in fact do.’” *Id.* at 11 (internal citation omitted).

The denial of the motion to suppress was therefore reversed, and the defendant’s guilty plea was vacated.

Judge King dissented. He would have found that the officer did not unreasonably extend the stop and would have affirmed the judgment of the district court.

**In the light most favorable to the plaintiff, officer’s use of deadly force was unreasonable; district court properly denied officer’s request for qualified immunity**

[Byers v. Painter](#), 173 F.4th 155 (April 17, 2026). The decedent had schizoaffective disorder and was frequently hospitalized for his symptoms. In July of 2023, his mother again brought him to the hospital for treatment. An order was issued for his temporary detention, and he was delivered to the local jail. Notwithstanding the detention order, the man was soon released from custody. He walked approximately fourteen miles to his parents’ neighborhood but could not locate the residence, so he began wandering around other neighborhoods. The local police department received a call from a resident that a man had tried to enter his home earlier and that the same person was entering or attempting to enter the garages of other residences. Dispatch reported this as an attempted breaking and entering and vandalism. When officers arrived on scene, the decedent was standing barefoot in the driveway of another home and was carrying a hatchet by his side. One officer exited her car, pointed her gun at the decedent, and ordered him to put down the hatchet. The officer-defendant arrived separately. He parked in front of the decedent, exited his car, and drew his firearm, also ordering the decedent to put down the weapon. The decedent did not comply. Instead, he began wandering across the front yard and into the street. He turned and faced the officers, asking the officer-defendant twice if he had a big enough gun while backing away from the officers. The officers decided to subdue the decedent with non-lethal force, and the female officer deployed her taser. The record was unclear whether the taser hit the decedent, but he continued standing and backing away. The same officer twice more commanded the man to drop his weapon, but the decedent did not, instead telling the officers to “come get it.” The man briefly turned his head to look away and the defendant-officer (who was standing about 25 feet away) fired three shots. The decedent then began fleeing from the officers. The defendant-officer then fired three or four more shots and hit the decedent in the back. He died as a result. Less than two minutes had passed since the officers arrived on scene. At no point did the decedent raise the hatchet or otherwise behave in a menacing manner with it. Officer body camera captured much of the encounter.

The decedent’s estate sued the officer who fired the fatal shots in the Eastern District of Virginia alleging excessive force and a state tort claim. The district court granted the officer’s motion to dismiss the tort claim but denied it as to the excessive force claim. The district court also ruled that the officer was not entitled to qualified immunity. The officer appealed the denial of qualified immunity. A divided panel of the Fourth Circuit affirmed.

While this case was pending before the Fourth Circuit, the U.S. Supreme Court decided *Barnes v. Felix*, 605 U.S. 73 (2025). There, the Court overruled circuit precedent that judged the reasonableness of an

officer's use of force solely on the moment force was used. Instead, the Court directed courts considering excessive force claims to examine the totality of circumstances of the entire encounter. Because the district court lacked the guidance of *Barnes* at the time it issued its decision, its analysis of this point was incorrect. Nonetheless, the Fourth Circuit determined that the district court correctly found that the officer was not entitled to qualified immunity. While the decedent was under investigation for a serious crime and was armed when the officer encountered him, he did not pose any immediate threat of harm to the officers or others. Not only did the decedent keep his weapon by his side, but he also actively tried to distance himself from the officers and tried to flee once the officer began firing. "Neither the allegations nor the video show that Byers posed an immediate threat to others at the scene of the shooting." *Byers* Slip op. at 14. While the decedent did move away from the officers while they were trying to speak with him, he was never ordered by the officers to stop. "This encounter is not the kind of dangerous chase of active resistance that this Court has previously held justified the use of deadly force." *Id.* at 16. That the decedent ignored requests to drop his weapon was not enough to qualify as active resistance under these circumstances. The plaintiffs' allegations of excessive force therefore plausibly stated a constitutional violation for unreasonable use of force.

The officer also argued that any constitutional violation here was not clearly established at the time, warranting an award of qualified immunity. The court disagreed. It was clearly established at the time that an officer could not use deadly force against an armed person suspected of a serious crime who makes no threatening or suspicious movements towards law enforcement or others. "We have made clear that 'an officer does not possess the unfettered authority to shoot a member of the public simply because that person is carrying a weapon' at a location where police have arrived to investigate reported criminal activity." *Id.* at 20 (internal citation omitted). The district court therefore correctly denied the motion to dismiss and the request for qualified immunity.

Chief Judge Diaz dissented. He would have ruled that the law concerning the officer's use of force under the circumstances was not clearly established at the time and that the officer was entitled to qualified immunity.

#### **No *Bivens* remedy available against federal prison officials for insufficient medical care and excessive force under the facts of the case**

[Spivey v. Breckon](#), \_\_\_ F.4th \_\_\_ (April 18, 2026). The plaintiff was a federal inmate in Virginia. According to his complaint, he had dental problems when he arrived. The prison had no dentist on staff and prison officials told the plaintiff that he would be on a waitlist for dental care. That care did not materialize until the plaintiff was transferred to another prison. He also broke a tooth while at the prison but did not seek treatment for it. Additionally, the plaintiff complained to prison officials that he was bleeding from his rectum. Prison staff tested his feces but provided no other treatment. The plaintiff also claimed to be depressed and sought to attend a psychology class, but that request was denied.

The plaintiff also claimed that guards used excessive force against him. While investigating sheets or towels that had been torn up in the plaintiff's cell, he claimed that guards restrained him too tightly and handled him roughly (including hitting his head against a wall) while ignoring that his cellmate admitted to having damaged the torn material. He requested medical treatment for this incident, but none was provided.

He sued prison employees in the Western District of Virginia alleging excessive force and improper medical care under the Fourth, Fifth, and Eighth Amendments and seeking compensatory and punitive damages of \$15 million. The district court determined that no *Bivens* remedy was available and granted the defendants' motion to dismiss. On appeal, a unanimous panel of the Fourth Circuit affirmed.

Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), the Supreme Court created an implied cause of action against federal officers for unreasonable search and seizure. *Bivens* has been extended to two other contexts, one of which involved the failure of federal prison officials to provide adequate medical care. See *Carlson v. Green*, 446 U.S. 14 (1980). The U.S. Supreme Court has effectively shut down further expansion of *Bivens* since these claims were recognized. See *Egbert v. Boule*, 596 U.S. 483 (2022).

Here, the plaintiff's Eighth Amendment medical treatment claim was the most colorable. Unlike the plaintiff in the *Carlson* case, though, the plaintiff's claims of medical mistreatment here were "different in kind, severity, and results." *Spivey* Slip op. at 10. The plaintiff in *Carlson* died after prison employees willfully refused to treat his asthma for hours, provided improper and contraindicated drugs that made his condition worse, used a respirator on him that they knew was defective, and then delayed transferring him to the hospital. "[N]one of [the plaintiff's] claims were even close to the severity of those in *Carlson*." *Spivey* Slip op. at 11. Further, the plaintiff's claims went more to institutional decisions and shortcomings than to deliberate indifference to his medical needs. Finally, the Prison Litigation Reform Act was passed into law around 15 years after *Carlson*. The failure of that law to provide an individual remedy for inmates against federal prison employees indicated a desire by Congress to limit such claims. This amounted to new context for the plaintiff's *Bivens* claim despite the facial similarities to the claim in *Carlson*. Special factors also counseled caution in extending *Bivens* to this context, including other administrative remedies that were available to the plaintiff.

As to the plaintiff's excessive force claim, the Supreme Court's decision in *Goldey v. Fields*, 606 U.S. 942 (2025), controlled. There, the Court ruled that Eighth Amendment excessive force claims were new context and that special factors counseled against the extension of *Bivens* to that context.

The district court therefore properly granted the defendants' motion to dismiss.

**Construed liberally, pro se complaint named both officers as defendants and adequately stated a claim for excessive force**

[Nichols v. Bumgarner](#), \_\_\_ F.4th \_\_\_ (April 22, 2026). The plaintiff had outstanding warrants for burglary, theft, and a forgery offense. According to the complaint, an officer slammed him to the ground during his arrest, despite him not resisting. Another officer put his knee on the plaintiff's throat, causing the plaintiff to have trouble breathing. The plaintiff was scared and thought the officers might kill him. Within a few moments of the arrest, the plaintiff's arm was broken in two places. Despite treatment, his arm continues to cause him pain and may require surgery. The plaintiff, acting pro se, sued the two officers in the District of Maryland for excessive force.

The district court dismissed the complaint without prejudice, and the plaintiff filed an amended complaint. He only listed one officer in the caption of his complaint but named both and described their respective actions in the body of the document. The district court again dismissed, finding that the

plaintiff failed to state a claim. The court treated the complaint as having one defendant only (the officer named in the caption).

On appeal, the Fourth Circuit reversed. First, the amended complaint put the defendants on notice that both officers were being sued (and not just the officer named in the caption). Liberally construed (as pro se complaints should be), the complaint named both officers as defendants. Although the officer not named in the caption was never served, the district court was responsible for service of process given that the plaintiff was incarcerated.

As to the merits of the excessive force complaint, taking the evidence in the light most favorable to the plaintiff, the plaintiff posed no threat to officers at the time of his arrest and did not actively resist arrest. The plaintiff had serious injuries. Though his crimes of arrest were serious, not enough was known about them to factor into the analysis one way or another at this stage. The complaint therefore adequately stated a claim for excessive force and the district court erred in determining otherwise. On remand, the defendants may raise the issue of qualified immunity, but the Fourth Circuit declined to rule for the defendants on that ground (since the district court did not address it).

The district court's judgment was vacated, and the matter was remanded for additional proceedings.

**Evidence would have inevitably been discovered through an inventory search, despite potentially unlawful search incident to arrest**

[U.S. v. Allen](#), \_\_\_ F.4th \_\_\_ (April 28, 2026). Around midnight, Raleigh police were investigating a stolen car. Two people were detained and officers were searching a car when the defendant began riding his bicycle in and around the officers and their patrol cars. This distracted the officers and they ordered him to back away, but the defendant kept cycling back into the scene. His behavior, coupled with the cross-body bags that he was wearing, led the officers to think that he might attack them. When not in the immediate area of the crime scene, the defendant was riding into oncoming traffic and occasionally stopped in the middle of the road. This went on for at least 10 minutes, with the defendant repeatedly ignoring the officers' requests for him to move away. The officers finally decided to arrest the defendant for obstructing their investigation, resisting their lawful orders, and impeding traffic. When officers eventually got the defendant off of his bike, the defendant continued resisting, biting one officer's finger and kicking and denting the side of a patrol car. This scuffle continued for around five minutes until four officers managed to gain control of the defendant. Even then, the defendant reached towards his core, which the officers believed was an attempt to pull a weapon. He was eventually handcuffed with his hands behind his back, and his bags were removed from his body. Officers searched the bags, finding two loaded handguns, over 10 grams of cocaine, over 10 grams of marijuana, 68 doses of fentanyl, a digital scale, numerous cell phones, and nearly \$2000 in cash, along with multiple unknown substances. According to an arresting officer's narrative report, the officers searched the bags incident to the defendant's arrest and pursuant to the department's inventory search policy. Both the police department and the detention center had inventory search policies that required a search of the belongings of each arrestee who is taken into custody.

The defendant was charged in the Eastern District of North Carolina with possession of firearm by felon, possession of a gun in furtherance of a drug trafficking offense, and various drug offenses. He moved to suppress, arguing that the search of his bag was unlawful under *U.S. v. Davis*, 997 F.3d 191 (4th Cir. 2021) (limiting the search of non-vehicular containers incident to arrest to situations where the defendant is

unsecured and within reaching distance of the container). The government contended that the search was a lawful search incident to arrest since the defendant was within a few feet of the defendant and he continued to resist arrest at the time. Alternatively, the government argued that the bags would have inevitably been searched prior to the defendant being taken into custody pursuant to the inventory search policy. The district court granted the defendant's motion, finding that the defendant was fully secured at the time of the search. It also rejected the government's inventory search argument. The government appealed.

While acknowledging that *Davis* was binding precedent on the panel, the government nonetheless argued that *Davis* was an improper extension of *Arizona v. Gant*, 556 U.S. 332 (2009), if only to preserve the issue for potential review by the U.S. Supreme Court. The court noted this preservation point and otherwise declined to address it on the merits.

The government's primary argument on appeal was that the district erred in concluding that the evidence would have been inevitably discovered pursuant to an inventory search. The court unanimously agreed. The requirements for a valid inventory search are that a standard process like a department policy establishes the parameters of the search and that the search is conducted in good faith. "[A] lawful inventory search policy must be specific as to who is to be the subject of an inventory search, when the person must be searched, and what is to be searched, such that an officer would readily understand what he must do to comply with the policy." *Allen* Slip op. at 10. Here, two different inventory search policies applied and both appropriately limited officers' discretion about who would be searched, what would be searched, and when the searches would occur. The district court incorrectly concluded that the government was required to provide a written inventory search policy in support of its argument for inevitable discovery; the officers' testimony about their policies and practices was sufficient. Without deciding whether the search of the defendant's property was valid under the search incident to arrest doctrine, the government met its burden to establish that the evidence would have inevitably been discovered pursuant to the applicable inventory policies.

The district court's judgment was therefore reversed by a unanimous court.

[Harrold v. Hagen](#), \_\_\_ F.4th \_\_\_ (April 28, 2026). Up to 21.

Judge Richardson dissented and would have awarded qualified immunity to the officer.

**Denial of qualified immunity affirmed; a jury could find the officer used excessive force against armed but fleeing teenager and the right to be free from deadly force when posing no imminent threat was clearly established**

[Ruffin v. Davis](#), \_\_\_ F.4th \_\_\_ (April 29, 2026). This case arose in the District of South Carolina during the early days of the COVID-19 pandemic. South Carolina ordered a lockdown where residents were required to stay home and to abide by a curfew. Local police received a report of teenagers in a neighborhood violating these restrictions by riding bicycles and peering into parked cars. When an officer arrived at the

scene to investigate, he noticed a teenager (the decedent) walking down the sidewalk. As the officer tried to initiate contact, the teen fled. The officer repeatedly commanded the decedent to stop, but the teen kept running. After around twenty seconds, the decedent stopped and crouched by a fence in a parking lot. The officer believed he saw the decedent pulling a gun from his pant leg. He commanded the teen to get on the ground and drew his service firearm. The officer again yelled at the teen to show his hands, but he continued running away. The officer fired one shot in response, missing the teen. He then fire nine more shots, eventually hitting the decedent in the forehead with a fatal shot. During the investigation into the shooting, the officer claimed that he fired around four shots and that he believed the teen was turning his body to fire on him at the time the officer fired. The teen did in fact have a firearm, but it had not been fired.

The decedent's estate sued the officer for excessive force and other claims. The officer sought summary judgment and argued that he was entitled to qualified immunity. The district court denied that motion. While it was undisputed that the teen had a gun, ignored the officer's commands, and turned his body toward the officer before being shot, there was a dispute over whether the teen presented an imminent threat to the officer at the time. Because circuit precedent was clear that deadly force is not justified against even an armed subject who presents no imminent threat, summary judgment based on qualified immunity was not appropriate.

The officer appealed and a unanimous panel of the Fourth Circuit affirmed. To justify the use of deadly force, the officer needed probable cause to believe the subject presented a serious threat of harm to the officer or others. Considering the totality of the circumstances, the officer was investigating a report of unauthorized bike riding and looking into cars. "That investigation doesn't suggest a crime, let alone a serious one." *Ruffin* Slip op. at 8. That the decedent ignored the officer's commands and tried to flee arrest weighed in the officer's favor, but whether the teen presented a serious, imminent threat to the officer was ambiguous at best. "[H]ere, it's disputed that [the decedent] made a 'furtive or other threatening movement with the weapon that would have signaled an intent to use it in a way that imminently threaten[ed] the safety of [the officer] or any other person' at any point during the chase." *Id.* at 10. A jury could reasonably find that the officer used excessive force.

It as also clearly established at the time of the shooting that deadly force is not justified merely by the fact that the suspect is armed. "[W]e've repeatedly warned officers that it's not objectively reasonable to use deadly force against an armed suspect unless 'based on a reasonable assessment, the officer or another person is *threatened* with the weapons.'" *Id.* at 11 (emphasis in original).

The district court's judgment was therefore unanimously affirmed.

#### **District court's finding of abandonment was not clear error; motion to suppress properly denied**

[U.S. v. Lodge](#), \_\_\_ F.4th \_\_\_ (April 30, 2026). Around 3:00 a.m., the defendant was stopped by police for a traffic violation, and the defendant promptly fled on foot. During the ensuing chase, police saw the defendant approach the door of a residence, where he attempted to put his backpack inside. An occupant of the residence closed the door before the defendant could do so, and the defendant continued his flight. When law enforcement managed to catch the defendant, he no longer possessed the backpack. While officers questioned the defendant, he admitted that the backpack was his. He also stated that the residence where he attempted to place the bag belonged to the grandmother of his children and that his children lived there with her. Officers eventually found the backpack in the

backyard of the grandmother's residence near a shed and searched it without a warrant, discovering drugs inside.

The defendant was prosecuted for drug distribution offenses in the Northern District of West Virginia and moved to suppress the evidence from the backpack. He primarily argued that the traffic stop was unlawful, but the government raised the issue of the defendant's abandonment of the backpack in response. The district court ultimately agreed with the government that the defendant abandoned the bag and denied the motion. The defendant then pleaded guilty, reserving his right to appeal. On appeal, he argued that he had not abandoned the bag but merely concealed it. By hiding it in the curtilage of the home of a family, he argued that maintained that he retained a reasonable expectation of privacy in the contents of the bag.

A finding that a defendant has abandoned his property is a factual determination reviewed for clear error in the Fourth Circuit. See *U.S. v. Ferebee*, 957 F.3d 406, 416 (4th Cir. 2020). Only when the determination is "against the clear weigh of the evidence as a whole" should the reviewing court reverse. A major consideration in determining abandonment is the location of the property at issue. "Consistent with that focus, courts assess the circumstances of the defendant's alleged disassociation from the property—most notably his physical actions and any denial or disclaimer of ownership—as those actions bear on whether the location of the discard objectively signals abandonment." *Lodge Slip op.* at 14. Importantly, though, courts considering this question may only examine the "objective information available to officers at the time they performed the warrantless search." *Id.* at 14-15 (internal citation omitted). Whether the defendant loses an expectation of privacy in property by depositing the property within a home or its curtilage while fleeing the police is a question of first impression in the circuit. The district court wrongly concluded that the defendant automatically forfeited his privacy interest in the bag because he was fleeing police, and the district court should have conducted a more thorough analysis of whether the bag was merely concealed or abandoned, given its location on private real property with a connection to the defendant.

However, the district court's conclusion was ultimately correct, and its finding of abandonment did not amount to clear error. At the time of the search, the officers knew only that the defendant claimed to have permission to be on the property and to have a connection to it, but they also witnessed the defendant being turned away from the door of the home, and the homeowner claimed not to know who was in her yard when officers questioned her. "In short, the district court found that the door being shut in [the defendant's] face so too shut the door on his Fourth Amendment claim. This Court agrees." *Id.* at 20. While the defendant's claim of ownership of the bag to officers during questioning was a factor in favor of mere concealment versus abandonment, and despite certain questions about an officer's credibility during his testimony at the suppression hearing, the district court's determination of abandonment was supported by factual findings and did not amount to clear error. As a result, the court declined to decide a categorical rule about a fleeing suspect who discards his belongings on private property connected to the defendant, instead deciding the matter based on the standard of review. The judgment of the district court was therefore affirmed.

Judge Gregory dissented. While he agreed that the district court's reasoning was flawed and that the case could be decided by reference to the standard of review on, he disagreed that affirmance was the appropriate remedy. He would have found clear error in the district court's finding of abandonment and would have remanded the case for the district court to apply the correct legal analysis.

**Untruthful and misleading answers by a juror during jury selection did not demonstrate actual bias or a basis to strike the juror for cause; motion for new trial properly denied**

[U.S. v. Williamson](#), \_\_\_ F.4th \_\_\_ (April 30, 2026). The defendant was indicted in the Southern District of West Virginia for distribution of fentanyl and possessing a firearm in furtherance of a drug trafficking crime. During jury selection, members of the venire were asked if they or their close family members had ever worked in law enforcement. One prospective juror admitted that he was the former chief of police of a department and a career law enforcement officer, though he was now retired. Through extensive questioning, the potential juror indicated that he could be fair. Later in the jury selection process, potential jurors were asked if they had ever been involved in any “conflict, controversy, or litigation with any department or agency of the United States . . . including the United State Attorney’s Office or any other agency of the government of the United States. The former police chief answered this question in the negative. In fact, the former chief had been the target of a federal police corruption investigation. The jury ultimately convicted the defendant, and he was sentenced to 240 months in prison. On appeal, the defendant’s lawyer discovered that the former chief had been a federal investigative target. The defendant sought a new trial from the district court based on this information. The Fourth Circuit ordered a limited remand for the district court to rule on the motion.

On remand, the district court held an evidentiary hearing. During the hearing, it was revealed that the former chief was a part of group of local officials, including the local sheriff and the local circuit judge, who conspired to commit or cover up campaign finance violations, drug offenses, and money laundering offenses. The former chief also had held a dual role in the sheriff’s office. The circuit judge and others within the group were eventually convicted of federal offenses and sent to prison. While the former chief was never prosecuted, he had received a target letter from the U.S. Attorney’s Office and had signed a proffer agreement that explicitly stated he was under federal investigation. When a new sheriff was appointed in the wake of the corruption investigation, the former chief was fired from his position in the sheriff’s department.

The district court ultimately found that the former chief’s answers in jury selection were misleading in part and simply untrue in other parts. The former chief failed to mention his connection to the sheriff’s office (despite the fact that his role there led to federal authorities investigating him) and he lied about having not been involved in any controversies with the federal government. The district court nonetheless found that the former chief was not biased against either party and denied the motion for a new trial on that basis.

On appeal, the Fourth Circuit affirmed. The decision to deny a motion for a new trial based on a juror’s misleading or untruthful information is reviewed for abuse of discretion. Juror bias claims arise in two contexts. A claim of actual bias requires a showing that the juror could not or would not fairly decide the case based on the evidence. *Porter v. White*, 23 F.4th 322, 327 (4th Cir. 2022). A juror bias claim may also be based on the untruthful answers of a juror that, had a truthful answer been given, would have supported striking the juror for cause (a *McDonough* bias claim). *McDonough Power Equip., Inc. v. Greenwood*, 464 U.S. 548, 556 (1984).

Here, the former chief’s answers and testimony during the evidentiary hearing did not show actual bias, because it was equally likely that he was biased against the government as it was that he was biased in favor of it. That the former chief was dishonest was a factor in determining actual bias, but it was not

dispositive, and there was no proof of actual bias against either party. The district court therefore did not abuse its discretion in rejecting the actual bias claim.

The defendant also failed to establish that, had the former chief given truthful answers during voir dire, those answers would have supported a for-cause strike. The district court expressly ruled that it would not have struck the former chief for cause even if he had given truthful answers, and this too was not an abuse of discretion.

The district court's judgment was therefore unanimously affirmed.