

Case Summaries: Fourth Circuit Court of Appeals (Aug. 4, 13, 14, 20, & 25, 2026)

Where video footage contradicted material allegations of the complaint, district court correctly dismissed excessive force claim for failure to state a claim

[Spencer v. Glaser](#), 185 F.4th 95 (Aug. 4, 2026). The decedent was at his family home in Dare County, North Carolina, with a guest. The guest called 911 to report that the decedent had been stabbed in his chest. Two Dare County deputies responded. When they arrived, the decedent was standing near home's doorway. The deputies ordered him to exit the home, and he complied. The decedent was holding a knife in one hand and an apple in the other. He was also visibly bleeding from his chest. The deputies told the man to put down the knife, but the decedent continued holding the weapon while approaching them. As he descended the steps of the home, the deputies again commanded him to drop the knife, but he did not comply and instead began raising his arms. One of the deputies shot the decedent one time. The man stumbled and fell to the ground, dropping the knife in the process. He "flailed his arms and legs" around for around 12 seconds, ignoring commands from the deputies to stop moving. The decedent eventually got onto his hands and knees and ran directly toward the deputies. The same deputy who had fired the first shot fired two more times, striking and killing the man. All these events were captured on the deputies' bodycams.

The decedent's estate sued the deputy who fired the shots and the Dare County Sheriff in the Eastern District of North Carolina alleging excessive force and state-law tort claims. The district court granted the defendants' motion to dismiss for failure to state a claim. The body camera footage directly contradicted key allegations in the complaint, and the district court relied on it to find that no Fourth Amendment violation occurred. In the alternative, the district court found that the officer would be entitled to qualified immunity, even if a constitutional violation had occurred. The state-law tort claims were dismissed for similar reasons. The plaintiff appealed.

A unanimous panel of the Fourth Circuit affirmed. While a court considering a Rule 12(b)(6) motion to dismiss is normally limited to considering the sufficiency of the complaint in the light most favorable to the plaintiff, the court may consider video footage at this stage under certain circumstances. "[A] district court can consider a video submitted at the motion to dismiss stage when (1) the video is 'integral' to the complaint and its authenticity is not challenged, but (2) only to the extent that the video 'clearly depicts a set of facts contrary to those alleged in the complaint' or 'blatantly contradicts' the plaintiff's allegations, rendering the plaintiff's allegations implausible." *Spencer* Slip op. at 7 (internal citation omitted). When that standard is met, the implausible factual allegation of the complaint may be dismissed.

Here, even if the district court at time strayed beyond what it was permitted to consider at this stage, it properly found that portions of the video directly undercut the allegations of the

complaint. Relying on those portions of the video, it correctly found that the deputy did not use excessive force at any point during the encounter. The complaint was therefore properly dismissed for failure to state a Fourth Amendment claim. The state-law tort claims failed for the same reason, and the district court was affirmed in full.

Where defendant failed to show deficient performance or prejudice from his lawyers failing to take additional steps to obtain a plea bargain, habeas petition was properly denied without hearing

[U.S. v. Flood](#), ___ F.4th ___; 2026 WL 2342536 (Aug. 13, 2026). The defendant was charged with kidnapping resulting in death and other offenses in the District of Maryland. He faced a mandatory sentence of life imprisonment. The government never offered a plea deal, although the prosecutor discussed the possibility of a plea with defense counsel during jury selection. The government insisted that any such bargain would require the defendant to cooperate with the prosecution and participate in a proffer. Defense counsel considered the possibility of the proposed agreement and ultimately rejected it without conferring with their client, apparently under the belief that the defendant would not accept it. After he was convicted and unsuccessfully appealed, the defendant sought habeas relief, arguing that his lawyers were ineffective for failing to seek a plea (among other grounds). The district court denied relief without conducting a hearing, and the defendant appealed.

Here, the defendant's petition, even if taken as true, failed to demonstrate deficient performance or prejudice. He did not complain that defense counsel failed to *communicate* a plea offer in the case, only that they failed to *seek* a plea. The defendant never stated how counsel was ineffective, and the petition acknowledged that defense counsel did, in fact, discuss the possibility of a plea with the government. The defendant's argument boiled down to, "having met with prosecutors to discuss a plea, [defense counsel] should have done something more or pressed harder . . . 'Try harder' or 'do more' is not a *Strickland* theory." *Flood* Slip. op. at 15. Further, even if the defendant could show deficient performance, his claim still failed because he could not demonstrate prejudice. To meet the prejudice prong of an ineffective assistance claim in the context of plea bargains, the defendant must show that a plea offer would have been presented, that the court would have accepted it, and that the plea would have resulted in a less harsh outcome. *Lafler v. Cooper*, 566 U.S. 156, 163-64 (2012). "The record conclusively shows no reasonable probability that Flood would have accepted the kind of plea offer the government was willing to make . . . Since there was no dispute of material fact, the district court properly denied the motion without a hearing." *Flood* Slip op. at 18. The district court therefore did not abuse its discretion in denying the petition, and the Fourth Circuit affirmed in all respects.

Judge Heytens dissented and would have remanded the matter for an evidentiary hearing.

Warrant application failed to establish nexus to residence and relied on stale information; a reasonably well-trained officer would have recognized its deficiency, so the good-faith exception did not apply; denial of motion to suppress reversed

[U.S. v. Griffin](#), ___ F.4th ___; 2026 WL 2357208 (Aug. 14, 2026). Law enforcements officers in Calvert County, Maryland, applied for a no-knock search warrant for the home of the defendant's parents. The warrant application described the area around the home as an open-air drug market well known to police. It explained that one of the owners' sons (the defendant's brother) and a grandson were associated with the home. The affidavit further recounted the criminal histories of several people connected to the area, including the defendant, who had prior drug convictions in 2006, 2014, and 2015.

It also mentioned several criminal incidents that occurred in the area, but only one from 2006 involved the home in question. The application included information about a traffic stop from 2017 during which the defendant was present in the car and was suspected of (but not charged with) distributing cocaine. It also included information obtained from police surveillance conducted in the area around four months earlier. Police saw a truck park near the target home, and a man unconnected with the home met with another person from the area to conduct a suspected drug transaction. Officers stopped the truck after it left the area and recovered drug paraphernalia associated with crack cocaine. Later the same day, officers observed two other men connected to the area (but not to the target residence) holding bags of white substances, walking toward the target home, and meeting with the grandson of the owners of the target home in the side yard of the home. According to the warrant application, officers then saw the grandson make a hand-to-hand sale in front of the home to another person. Police later stopped the buyer's car, found cocaine, and were told by the buyer that the grandson sold him the drugs. The affidavit also described transactions involving another person unconnected with the property near the home and allegations that drugs were being sold from a car near the target home. The affidavit stated that the defendant's brother was present during several suspected drug transactions and was seen walking in and out of the target home before and after each one. Finally, it also stated that officers had recently seen several people approach two different vehicles near the entrance to the neighborhood which were later seen parked along the tree line in front of the target home. Based on this information, police sought and obtained a warrant to search the target home. Officers discovered cocaine, cocaine base, a gun, and marijuana inside an SUV parked beside the home. When they discovered that the defendant possessed the key to the SUV, officers arrested him and charged him with various gun and drug offenses in the District of Maryland.

The defendant moved to suppress, arguing that the warrant lacked probable cause because it did not establish nexus to the residence, among other arguments. The district court denied the motion. Although it found that the warrant applications "may not be the strongest," it was sufficient considering the area's status as a known drug marketplace. The defendant was acquitted of several charges at trial but was ultimately convicted of possession of firearm by a felon and was sentenced to 180 months. He appealed, and a divided panel of the Fourth Circuit reversed.

Very little information in the warrant application directly connected the target residence with drug activity. While drug activity occurring in proximity to the home was a valid consideration in the probable cause calculus, proximity alone was not sufficient. Many of the incidents recounted by law enforcement in the affidavit merely described people approaching cars in the area, without proof that drug activity actually occurred, and the affidavit never stated that any suspect was seen carrying drugs into or from the home. "The lack of concrete connection to the 6740 residence is important because the Fourth Amendment does not permit suspicion by geography." *Griffin* Slip op. at 15. Although the affidavit established links to criminal activity of other people and other homes in the area, it did not establish that drugs were likely to be found in the target home. Moreover, much of the information in the warrant application was stale. The most specific information connecting the home to drug sales was the apparent sale by the grandson, which occurred outside of the home approximately four months before the warrant was issued. The grandson was also known to reside at a different address. "The affidavit failed to establish a fair probability that contraband or evidence of a crime would be found inside the 6740 residence at the time of the search because the facts set forth in the affidavit were either too old, not connected to the 6740 residence, or both." *Id.* at 19.

Turning to the question of the good-faith exception, the majority found that it did not apply. According to the court:

Because the affidavit's facts related to the 6740 residence were stale, its recent facts were merely described [the neighborhood] generally, and its remaining facts showed only proximity and association, a reasonably well-trained officer would have known that the warrant failed to establish probable cause to search the 6740 residence. *Id.* at 27.

The district court's judgment was therefore reversed, the conviction was vacated, and the matter was remanded for further proceedings.

Judge Heytens dissented and would have found that the good-faith exception applied.

Officers had reasonable suspicion to support an investigatory detention and the plaintiff could not frustrate the stop by retreating into his home; exigent circumstances supported the warrantless entry into the home under the circumstances

[Hayat v. Diaz](#), ___ F.4th ___, 2026 WL 2436228 (Aug. 20, 2026). Police in Montgomery County, Maryland, received a report of a kidnapping in progress after a witness saw three children being placed in a vehicle's trunk. The car was traced to the plaintiff, and police arrived at his home to investigate. The plaintiff was apparently waiting for police on his front porch and began acting suspiciously as the officers approached. He told the officers that no kidnapping had occurred and that they could not enter his home. The plaintiff also attempted to prevent his wife from speaking to the officers and tried to withdraw into his home. Police conducted a *Terry* stop to prevent the plaintiff from closing his front door, entered the foyer area of the home, and placed the plaintiff in handcuffs. Officers quickly determined that no kidnapping had occurred and ended the encounter. The plaintiff filed suit in the District of Maryland against the officer, the chief of police, and the county, alleging an unlawful seizure under the Fourth Amendment, among other claims.

The district court dismissed most of the complaint and granted the defendants' motion for summary judgment on the Fourth Amendment claim. It found that the detention of the plaintiff was justified by reasonable suspicion of kidnapping, that reasonable suspicion to seize the plaintiff existed before he tried to enter his home, and that the need to check on the welfare of the children amounted to exigent circumstances. The plaintiff appealed that ruling as to the Fourth Amendment claim only. On appeal, a majority of the panel affirmed.

Here, the officers had ample justification for an investigatory detention. The kidnapping report came from a 911 caller who gave his name and claimed to have been an eyewitness. The report also provided specific information about the suspect, the vehicle, and its license plate. Officers were able to make contact with the complainant before going to the plaintiff's home. The plaintiff appeared to be awaiting the arrival of the police and matched the caller's description of the suspect. The plaintiff and his wife did not act surprised about the officers' presence, and the plaintiff gave nonresponsive answers about where he had been. The plaintiff also refused to let the officers see the children or to let his wife speak with them, which added to the officers' suspicions. The tip was sufficiently reliable and corroborated under these facts, and officers therefore had reasonable suspicion under the totality of the circumstances.

Although the encounter between the officers and the plaintiff began as consensual, it became an investigative detention at the point when the plaintiff tried to return inside of his home and close the door, ignoring officers' commands to stop. The stop was therefore initiated before the plaintiff reentered his home. The plaintiff's attempt to terminate the encounter by returning inside his home could not invalidate the stop already in progress. "[W]hen an officer has a reasonable suspicion that criminal activity is afoot and that the activity involves the risk of injury, he may, to allay his suspicion and the concern for injury, extend his *Terry* stop of the suspect into the suspect's home following the suspect's retreat." *Hayat* Slip op. at 23. Under these circumstances, time was of the essence, and the entry into the home was justified by at least two exigent circumstances: the need to check on the welfare of the children and the need to complete the investigatory detention. The district court was therefore correct to conclude that no Fourth Amendment violation occurred.

Judge Benjamin dissented. She would have reversed the grant of summary judgment and allowed the case to proceed.

Federal ban on possession of machineguns is constitutional under the Second Amendment; sentencing enhancement for possession of a firearm with a modified serial number only applies when the firearm is completely untraceable

[U.S. v. Smith](#), ___ F.4th ___, 2026 WL 2482572 (Aug. 25, 2026). Police in Chesterfield, Virginia, responded to a theft report at a convenience store. They ultimately detained the defendant and another person as suspects and searched their car. Inside, they discovered four guns, one of which had two altered serial numbers and a third, unmodified serial number. The same gun was also equipped with a "switch," which is a device that converts a firearm so that it is capable of automatic fire. Based on his possession of this weapon, the defendant was indicted in the Eastern District of Virginia for possessing a machine gun under 18 U.S.C. § 922(o). The defendant moved to dismiss, arguing that the ban on possession of machineguns violated the Second Amendment. The district court denied the motion, and the defendant entered a guilty plea. He appealed, renewing his Second Amendment argument.

The defendant raised both facial and as-applied challenges to § 922(o). The facial challenge failed at the first step of the *Bruen* analysis. The Second Amendment simply does not protect the right to possess a machinegun, as circuit precedent has repeatedly held. "If a weapon 'is not in common use for a lawful purpose', it can be permissibly excluded from the Second Amendment's protection based on the tradition of regulating 'dangerous and unusual arms.'" *Smith* Slip op. at 10 (internal citation omitted). The defendant conceded that his weapon, as modified, qualified as a machinegun, and this was fatal to both the facial and as-applied challenges.

The defendant did, however, successfully challenge a sentencing enhancement for possession of a modified serial number. The court determined that the enhancement only applied when the altering of the serial number renders the weapon completely untraceable. Because the gun here had one unmodified serial number, law enforcement could trace it, and the enhancement should not have been applied.

The Fourth Circuit therefore affirmed the district court's judgment in part, reversed in part, and remanded the matter for a new sentencing hearing.

Judge Agee dissented in part and concurred in part. While he agreed that § 922(o) was constitutional under the Second Amendment, he would have ruled that the district court correctly applied the sentencing enhancement for possessing a firearm with a modified serial number.