

Case Summaries: Fourth Circuit Court of Appeals (February 17, 18, 19, 23, & 26, 2026)

Failure to protect inmates from “safekeeper” detainees claim can proceed; divided panel reverses grant of qualified immunity to correctional officers

[Case v. Unknown Employees of the State of North Carolina](#), ___ F.4th ___; 2026 WL 438679 (Feb. 17, 2026). The plaintiff was an inmate at Central Prison in Raleigh, North Carolina, serving a sentence in the general population. The prison also hosts pretrial detainees known as “safekeepers.” Safekeepers are generally detainees who present an unusually high risk of violence and aggression and who need greater supervision due to the risk they pose to normal inmates (although some safekeepers are detainees with special medical or other treatment needs). Safekeeper detainees wear a different color prison uniform than general population inmates so that prison guards can quickly identify them. The defendants, three correctional officers at the prison, were responsible for supervising the movements of the staff and prison population. While safekeepers are usually kept on a different floor of the prison than general population inmates, inmates in the general population have to walk to the floor where safekeepers are housed to get haircuts. There are sliding double doors that prevent free movement between floors. These doors are supposed to stay closed unless a guard determines that it is safe for people to move through the connected areas. The doors are supposed to be opened each time someone passes through, and then promptly closed again until the next person needs to travel through them. Both doors were left completely open so that the guards did not have to bother with opening and closing the doors as inmates from general population passed through. When one of those guards needed a bathroom break, a third guard took over manning one of the doors, but he too left the doors open. While the plaintiff was returning from his haircut, he encountered a group of safekeepers. One safekeeper immediately attacked the plaintiff, leading to facial fractures requiring surgery and causing permanent pain. A few days later, the supervisor of the officers issued a memo reprimanding prison staff about the need to keep safekeepers away from the general population. The memo recounted that this was not the first instance of safekeepers mixing with the general population and that the doors that were supposed to be locked had repeatedly been left unlocked.

The plaintiff sued the guards in the Eastern District of North Carolina, claiming an Eighth Amendment violation for the defendants’ conduct in failing to protect him. The district court ultimately granted the defendants’ motion for summary judgment, finding no material facts in dispute. As an alternative basis for dismissing the complaint, the district court found that the officers were entitled to qualified immunity. The plaintiff appealed and a divided panel of the Fourth Circuit reversed.

A reasonable jury could find that the guards were aware of the risk posed by mixing safekeepers with general population inmates. The prison’s policies required their separation, and the defendants all admitted in depositions that they were aware of the policy and the reasons for its existence. They had also previously been warned about that specific risk by prison administrators. A jury could also find that the defendant-guards knew the movements of the safekeepers on the day in question and were aware that the safekeepers might encounter general population inmates. Viewing the facts in the light most

favorable to the plaintiff, there were ample disputed facts at issue, rendering summary judgment inappropriate.

Qualified immunity was also not appropriate here. The guards knew of the risk the safekeepers posed to other inmates and increased that risk by failing to follow procedure. “The officers had fair notice that failing to take reasonable steps to protect the individuals in the general population from encountering safekeepers would violate the Eighth Amendment.” *Case Slip op.* at 19.

The district court’s order granting the guards summary judgment was therefore vacated and the matter was remanded to the district court to proceed to trial.

Judge Quattlebaum dissented and would have affirmed the district court on its qualified immunity ruling.

Foreperson’s comments to the press following verdict did not show actual bias; motion for new trial properly denied

[U.S. v. Ritter](#), ___ F.4th ___, 2026 WL 453463 (Feb. 18, 2026). The defendant was tried and convicted in the District of South Carolina for murdering his transgender girlfriend based on her gender identity and related offenses. During jury selection, one member of the venire self-identified as a trans woman. She indicated that her gender identity would not bias her decision making in the case. The parties did not ask any additional questions of the potential juror, and she ultimately became the foreperson of the petit jury. After the jury convicted on all counts, that juror contacted the media about the case. She was quoted in a newspaper for the following remarks about the trial:

- “In my personal experience, it can be dangerous for trans women to date” and that transgender people “are everywhere.”
- “If one of us goes down, there’ll be another one of us on the jury.”
- “I wish I had this great angle to give you as a reporter, that my gender identity weighed on this heavily and I saw myself in the victim, but honestly, I didn’t. I followed the evidence and law and followed the judge’s instructions and did what was asked of me and came to that conclusion.”

Once these comments became public, the district court convened a hearing to explore potential juror bias. The district court judge extensively questioned the juror about her impartiality and ultimately found that the juror had credibly denied being biased against the defendant in both pretrial and post-trial proceedings. The district court also found that her statements to the media did not undercut her oath as a juror to be impartial. On appeal, the defendant argued that the juror’s statements to the press showed actual bias warranting a new trial. The Fourth Circuit unanimously disagreed. “Actual bias exists only when a juror cannot or will not decide the case solely on the evidence.” *Ritter Slip op.* at 5. Here, the district court did not err in its determination that the juror was both credible and impartial. The court also noted that the defendant did not argue that the juror gave false or untruthful answers during jury selection.

Other challenges to the sufficiency of the evidence and to an evidentiary ruling were likewise rejected, and the district court’s judgment was affirmed in all respects.

Potential juror's remark that he was familiar with the defendant and may have performed work for some of the alleged victims did not amount to improper external communication about the case

[U.S. v. Umeti](#), ___ F.4th ___; 2026 WL 468096 (Feb. 19, 2026). In this case from the Eastern District of Virginia, the defendant was charged with and convicted of wire fraud and various computer-related offenses stemming from a plan to trick U.S. businesses into sending wire transfers of funds to bank accounts belonging to the defendant. The defendant and his co-conspirators utilized malware and phishing emails to accomplish this end. During jury selection, the district court asked potential jurors whether any of them “might know something about the case.” One juror spoke up, stating that he worked in cybersecurity and believed he had helped remediate some of the damage caused to the victims by the defendant’s scheme. He further stated that he had heard of the defendant and knew of his involvement in the cybersecurity business. Counsel for the defendant immediately objected at the bench that these comments poisoned the entire jury pool, because the potential juror had implied that he knew the defendant had committed computer fraud. The district court noted the objection but overruled it. During the remainder of jury selection, the district court emphasized the need for jurors to be impartial. At the end of jury selection, the district court struck the juror who had made the comment about being familiar with the defendants for cause. The jury ultimately returned guilty verdicts on all counts.

The defendant then moved for a judgment of acquittal and for a new trial, renewing his argument that the remarks from the potential juror unduly prejudiced the jury against him (among other arguments). The district court denied the motion. It found that the remarks were “general” in nature and reasoned that, because the potential juror was struck for cause, he could not have revealed external information about the case to the other jurors.

The right to an impartial jury under the Sixth Amendment includes ensuring that jurors are not exposed to external information or influence that can impact the decision-making process. Under *Remmer v. U.S.*, 347 U.S. 227 (1954), when there is “private communication, contact, or tampering . . . with a juror during a trial about the matter pending before the jury,” such external communication is regarded as presumptively prejudicial. *Id.* at 229. However, that presumption may be rebutted with evidence that the external information was “innocuous” and should not warrant a presumption of prejudice. Relevant factors to determine whether the external juror contact was merely innocuous or presumptively prejudicial include whether: “(1) any private communication; (2) any private contact; (3) any tampering; (4) directly or indirectly with a juror during trial; (5) about the matter before the jury.” *U.S. v. Cheek*, 94 F.3d 135, 141 (4th Cir. 1996). If the party claiming improper external juror influence makes out an initial case that such contact, communication, or tampering occurred, then the government has a chance to attempt to rebut the presumption of prejudice.

Here, the defendant could not pass the initial hurdle of demonstrating improper outside influence. In the words of the court:

[The potential juror’s] statements occurred in open court before the entire jury pool. Their substance—which is nothing more than [the potential juror] stating a general awareness of [the defendant] through his work in cybersecurity—falls far short of tampering or attempting to influence potential jurors. Moreover, nothing in the [potential juror’s] statements show any disposition towards [the defendant’s] guilt or innocence. *Umeti* Slip op. at 10.

The district court therefore did not err in refusing to grant the defendant's motions based on improper external juror influence.

The government's evidence was also sufficient to connect the defendant to the fraudulent activities, but the defendant prevailed on a challenge to the sufficiency of the evidence for a sentencing enhancement. The case was therefore affirmed in part, reversed in part, and remanded for resentencing.

Warrantless search of home owned by probationer but leased to another person was not justified as a probation search; probation officers may not conduct a warrantless search of a third-party's home without probable cause to believe the probationer is living there; denial of motion to suppress reversed

[U.S. v. Perez](#), ___ F.4th ___, 2026 WL 492012 (Feb. 23, 2026). Augustine Perez was on federal supervised release in the Middle District of North Carolina. As a condition of his supervision, he was required to allow his probation officer to visit him at his home or any other place and to allow the officer to seize any contraband in plain view during such visits. Perez originally resided at one home but later moved to another residence in town, which he reported to probation as required. Perez began renting his former home to his girlfriend, Deanna Coleman. She registered utilities to the home in her name, signed a year-long lease with Perez for possession of the property, and moved in with her minor daughter. Probation later received a report that Perez was violating the terms of his supervision by dealing drugs, traveling out of state without permission, and no longer living at his given address. There was some indication that an informant told the probation office that Perez had moved in with his girlfriend and that probation officers had corroborated that fact, but there was no record of either the informant's comments to that effect or of probation's investigation to corroborate it. Probation officers decided to conduct warrantless searches of both of Perez's properties.

Local law enforcement and federal probation officers first searched the home where Perez was supposed to be living. They found a bottle of prescription medicine with Perez's name and Coleman's address on it. After a canine alerted on his car, officers discovered a "trap compartment" used for surreptitiously storing drugs in the car. They also seized seven cell phones from Perez. Perez denied having any connection to his former address, where Coleman now lived. Officers proceeded to search Coleman's residence. They found a white powder inside a lemonade container and suspected it was a controlled substance (although later testing determined that it was not contraband). They found more of the same powder under the kitchen cabinet. Based on that discovery and Coleman's refusal to consent to a full search of the home, the officers sought and obtained a search warrant for the home. The application for the search warrant recounted the circumstances of the search of Perez's home, including the hidden compartment in his car, the prescription medicine with Perez's name with Coleman's address, and the canine alert on Perez's car. The application also referenced the white powder found at Coleman's residence. Upon executing the warrant for Coleman's home, officers found around a gram of cocaine and two grams of heroin in Coleman's bedroom, as well as more than \$25,000 in cash packaged in \$1,000 increments, which police knew was a common way of bundling money among drug dealers. They also found medication bottles with Perez's name, mail addressed to Perez, Perez's old passport, guns, ammo, and a safe. Perez had the key to the safe on his keychain, and a search of it revealed four bags of white powder, nearly 200 oxycodone pills, digital scales, a money-counting machine, what appeared to be a drug ledger, and a money bag.

The government initiated civil forfeiture proceedings to claim the seized cash under the theory that the money was derived from drug trafficking. Both Perez and Coleman contested the forfeiture, with Coleman claiming around \$15,000 of the money and Perez claiming around \$10,000. They sought to suppress the evidence obtained from the searches of both of their residences. The district court denied that motion and ultimately found probable cause to believe that the seized funds were traceable to drug dealing. Perez and Coleman appealed, renewing their suppression argument. On appeal, a unanimous panel of the Fourth Circuit reversed.

The court assumed that the search of Perez's home was lawful but found that the search of Coleman's home violated the Fourth Amendment. While probation was entitled to conduct a warrantless search of Perez's "property," this did not include real property in the possession of a third party. "[J]ust as a landlord's property interest does not confer authority to consent to the search of a tenant's residence, a probationer's ownership interest does not permit officers to rely on probation conditions to search a tenant-occupied residence." *Perez* Slip op. at 16.

There was some confusion about whether Perez was in fact living at Coleman's, and the government argued (and the district court agreed) that officers were entitled to search Coleman's home because they had at least reasonable suspicion to believe that Perez was residing there. While the Fourth Circuit had not previously determined the legal standard for probationary searches of third parties' residences, the Ninth and Eighth Circuits have. Both concluded that officers need probable cause to believe that the probationer is living in the third party's home, just as they would to execute an arrest warrant for a person suspected of being in a third party's home. See *U.S. v. Grandberry*, 730 F.3d 968 (9th Cir. 2013); *U.S. v. Thabit*, 56 F.4th 1145 (8th Cir. 2023). The Fourth Circuit adopted the approaches of those sister circuits. In the words of the court: "We hold that an officer must have probable cause to believe a dwelling is the residence of the court-supervised individual to initiate a warrantless search of a residence not known to be the court-supervised individual's home." *Perez* Slip op. at 19-20. Here, because the officers did not have probable cause to think Perez lived at Coleman's home, the motion to suppress evidence seized from Coleman's home should have been granted.

The district court's order to the contrary was therefore reversed, its grant of summary judgment to the government was vacated, and the matter was remanded to the district court with instructions to dismiss the government's civil forfeiture complaint.

Defendant lacked standing to challenge district court ruling on co-defendant's motions to suppress

[U.S. v. Mosley](#), ___ F.4th ___, 2026 WL 492011 (Feb. 23, 2026). The defendant was engaged in marijuana distribution with two partners, Carter and Hightower. Hightower had been indicted for unrelated health care fraud and extortion and was in pretrial detention. The defendant and Carter planned to kill the witness responsible for Hightower's prosecution. On the morning of the killing, the two men drove separately to the witness's neighborhood and circled around the witness's home. Carter eventually got out and fatally shot the witness's next-door neighbor, believing her to be their target. The two cars were observed on surveillance footage, and one of the cars was traceable to the mother of Carter's girlfriend. The witness contacted law enforcement to report that she believed she had been the target of the killing. This prompted law enforcement to search Hightower's jail cell and to examine his jail phone calls, which showed contact between Hightower and Carter. Law enforcement then obtained a search warrant for the car they believed Carter had been driving at the time of the shooting. While

police waited to execute that warrant, they saw Carter leave his home, briefly enter the car that was the object of the search warrant, and then drive away in a different car. Officers stopped that car, smelled what they believed to be marijuana, and eventually searched the vehicle. There, they discovered distribution-level amounts of marijuana and cash, along with a license plate tied to the car that officers believed the defendant had driven to the scene of the killing. Carter was arrested and taken in for questioning, where he consented to searches of his three cell phones. An analysis of the cell-site location data on the phone showed that Carter and the defendant were both near the scene of the killing at the time.

Carter moved to suppress the cell phone evidence. The district court denied that motion. He later moved to suppress the evidence for a lack of jurisdiction, which was also denied. Carter and the defendant were convicted of witness murder and related conspiracy offenses at trial. On appeal, the defendant argued that the district court erred in denying Carter's motions to suppress. The Fourth Circuit disagreed. According to the court:

[The defendant] cannot claim Fourth Amendment rights in the evidence collected from Carter. The Supreme Court has held that Fourth Amendment rights 'are personal' and cannot be asserted vicariously. It is not enough that [the defendant] was 'aggrieved . . . by the introduction of damaging evidence.' *Mosley* Slip op. at 12 (internal citation omitted).

A challenge to the joinder of the defendant's trial with Carter's was rejected, as was a challenge to the sufficiency of the evidence. The judgment of the district court was therefore unanimously affirmed in all respects.

Pre-accusation delay of six years did not violate due process despite prejudice to the defendant's case when delay was attributable to good-faith investigative efforts; partial grant of motion to dismiss reversed

[U.S. v. Minkinen](#), ___ F.4th ___, 2026 WL 531737 (Feb. 26, 2026). Authorities began investigating the defendant and his co-conspirator for fraud and intellectual property theft in 2016, but they were not indicted until 2022. During the six-year delay between the start of the investigation and the indictment, two witnesses died and three states had destroyed potentially relevant information relating to the case. The defendant moved to dismiss based on a due process violation for improper pre-accusation delay under *U.S. v. Lovasco*, 431 U.S. 783, 789 (1977). The district court granted the motion in part, dismissing 10 of the 14 total charges. It found that the government's explanation for the investigative delay did not overcome the defendant's showing of prejudice based on the unavailable witnesses and documents. The government appealed and a unanimous panel of the Fourth Circuit reversed.

To succeed on a due process claim of pre-accusation delay, the defendant must show actual and substantial prejudice to the defense of the case. If that showing is made, the court considers the government's reasons for the delay and balances that explanation against the prejudice to the defendant's case. Here, even if the defendant suffered actual and substantial prejudice, the government's reasons for the delay defeated the claim. The district court found that the delay was attributable to an extended investigation and was not the result of bad faith or recklessness. Under circuit precedent, "investigative delay, as opposed to intentional delay undertaken to gain tactical

advantage, [does] not violation due process.” *Minkinen* Slip op. at 17 (citing *Howell v. Barker*, 904 F.2d 889, 894-95 (4th Cir. 1990)). Because the delay was attributable to good-faith investigative efforts, the district court erred in granting the motion to dismiss.

The district court’s dismissal of the 10 counts was therefore reversed, and the matter was remanded for additional proceedings.