Phil Dixon
UNC School of Gov't.
dixon@sog.unc.edu

Case Summaries: Fourth Circuit Court of Appeals (Jan. 6, 7, 9, 20, 21, & 29, 2026)

Genuine dispute of material fact precluded summary judgment on excessive force claim; appeal from denial of qualified immunity dismissed for lack of jurisdiction

Roberts v. Evans, 163 F.4th 105 (Jan. 6, 2026). In this case from the Eastern District of North Carolina, the plaintiff sued a Cumberland County deputy for excessive force and unlawful entry into her home on behalf of her deceased husband. Her husband served in the military and was honorably discharged in 2005, but suffered from significant mental health issues, including acute paranoia. She previously had her husband involuntarily committed on two different occasions. The husband kept "machetes, knives, and daggers" throughout their home so that a weapon would always be within reaching distance. The wife was concerned about her husband's well-being and contacted a mental health counselor to conduct an evaluation. Knowing that her husband kept multiple weapons, the counselor brought two deputies with her to visit the couple's home. The husband spoke briefly with the counselor and deputies but ultimately insisted that they leave. The counselor told the wife that her husband could not receive mental health treatment under the circumstances unless he was involuntarily committed again. The wife agreed to submit an affidavit in support of an involuntarily commitment order, which stated that she was fearful for the safety of herself and her children and that her husband was nearly always armed. When it received the involuntary commitment order, the Sheriff's Department sent a Special Response Team, of which the defendant was a member. Several deputies hid around the front door in hopes that the husband would voluntarily exit the residence. The husband would not leave the home, so the team of deputies began trying to force their way into the home. One deputy was watching the husband from an outside window. At first, the man was unarmed, but after deputies began trying to breach the front door, the deputy at the window saw the husband pick up something and warned the team that the husband may be armed. The defendant was the first deputy to enter the home. In a matter of seconds, the defendant fired three shots, killing the husband. An autopsy showed that the man was shot in the upper left back and twice in his left arm, including once in back of that arm.

When the plaintiff brought suit, the defendant moved for summary judgment and qualified immunity. The district court granted that request as to the unlawful entry claim but denied it as to the excessive force claim. According to the deputy, the husband ran towards him with a machete held over his head. Other officers corroborated that version of events. According to the plaintiff, the autopsy indicated that her husband was shot in the back while facing away from the deputies. A forensic pathologist hired by the plaintiff confirmed this version of events. The district court found that this was a material factual dispute, rendering the claim inappropriate for summary judgment. The deputy appealed. A unanimous panel of Fourth Circuit dismissed the appeal based on lack of jurisdiction.

A denial of qualified immunity is usually reviewed de novo on appeal. However, the appellate court only has jurisdiction over interlocutory appeals like the one here for questions of law. "[W]e lack jurisdiction 'when the district court determines that factual issues genuinely in dispute preclude summary adjudication.'" *Roberts* Slip op. at 7 (internal citation omitted). When facts truly are not in dispute, the court may consider the appeal, but that was not the case here. No objective evidence blatantly

contradicted the plaintiff's version of the facts, and a reasonable jury could conclude that the defendant used excessive force. In closing, the court observed: "We decline to forecast how [the plaintiff] will fare at trial. We hold only that the autopsy report was enough to create a 'genuine' issue of fact. And that ends our analysis." *Id*. at 11.

District court correctly granted habeas relief based on *Brady* violation but exceeded its authority in ordering state convictions to be vacated; state convictions may only be nullified by a federal habeas court

Moore v. State of Maryland, 163 F.4th 828 (Jan. 7, 2026). In this habeas appeal, the petitioner was convicted in Maryland state court of possession of cocaine and possession with intent to distribute cocaine. Prior to trial, the prosecution disclosed one chain of custody form from the Baltimore Police Department's Laboratory section. However, a second chain of custody form for the cocaine from the police department's evidence control unit was not disclosed until midway through trial. The two reports were inconsistent with each other, as the undisclosed report did not contain the name of the analyst who tested the alleged cocaine. That analyst did not testify at trial. The prosecution used the two chain of custody forms to authenticate the cocaine at trial, and the analyst's report was the only trial evidence indicating that the substance was cocaine. The petitioner was convicted of both counts and sentenced to eight years. He lost his direct appeal in state court. In state post-conviction proceedings, he argued that the prosecution committed a due process violation by withholding the second chain of custody report until halfway through the trial and that his attorney was ineffective for failing to object to the admission of that report (among other claims). At a hearing on these claims, his trial attorney testified that he may have conducted the defense of the case differently if he had prior knowledge of the undisclosed report, noting that he could have argued that the petitioner never possessed cocaine at all. The state post-conviction court granted a new trial, agreeing with the petitioner that a *Brady* violation occurred (though it rejected the ineffective assistance of counsel claim). The prosecution appealed that decision, and the state appellate court remanded the matter back to the trial court for factual findings relating to the exact timing of the disclosure of the second report. On remand, the trial court found that no *Brady* violation occurred because the petitioner ultimately received the report during trial. It also reasoned that his attorney was not ineffective, because the attorney received the report too late in trial to make effective use of it. The trial court therefore overruled its earlier grant of relief, leaving the convictions intact. The state appellate court denied review of that decision and the petitioner sought federal habeas relief.

The federal district court ultimately found that the Maryland post-conviction court unreasonably applied the facts of the case to the *Brady* claim. It ordered the matter be remanded to the trial court for a new trial to occur within 60 days. If the prosecution refused to re-try the matter within that window of time, the district court ordered that the conviction and sentence be vacated. The state appealed that decision to the Fourth Circuit, leading to the present matter.

According to a majority of the Fourth Circuit panel, the district court correctly found a *Brady* violation warranting habeas relief. "Evidence disclosed after a trial commences is 'suppressed' for *Brady* purposes if the prosecution's delay prevented the defendant from 'using the disclosed material effectively in preparing and presenting his case.'" *Moore* Slip op. at 17 (internal citation omitted). Here, defense counsel had already conceded to the jury that the substance was cocaine before receiving the inconsistent report. Any shift in defense strategy at that point "risked undermining his credibility with the jury." *Id*. at 18. The Maryland post-conviction court also reached "paradoxical conclusions" on the

petitioner's claim, reasoning both that the report was released during trial (and was therefore available to be used in the petitioner's defense) and simultaneously finding that defense counsel was not ineffective because the report was released too late for counsel to use it. *Id*. The second chain of custody report was material, favorable evidence that was suppressed, and the Maryland state court was wrong to conclude otherwise.

The district court exceeded its authority, however, in ordering the convictions vacated. "Rather than reversing or vacating a state court conviction, a federal court sitting in habeas may only provide relief from the direct or collateral consequences of the conviction." *Id*. at 25 (internal citation omitted). The federal district court has the power to "nullify" a state court conviction, rendering it void. But that remedy is "akin to a non-prejudicial dismissal," unlike vacatur of the conviction. *Id*. The matter was therefore remanded for the district court to enter an order consistent with the bounds of its authority. In coming to this decision, the majority rejected several procedural challenges by the state.

Judge Niemeyer dissented. He would have denied the petition for procedural reasons, as well as on the merits.

Generalized encouragement to conduct jihad did not rise to the level of incitement or speech integral to criminal conduct and was protected speech under the First Amendment

U.S. v. Al-Timimi, 164 F.4th 292 (Jan. 9, 2026). The defendant was the founder of an Islamic Center in the Eastern District of Virginia. He was a frequent lecturer at the center and was a leader among the Muslim community. A group of young men connected with each other through the center and began planning to engage in combat jihad. This planning began around 2000 and included playing paintball together as a form of combat training. The defendant was not a part of the group. When members of the group informed the defendant of their activities, he neither approved or disapproved. At some point, an FBI agent approached a member of the group. When the defendant learned of this, he reprimanded the group members for making their plans too obvious to outsiders and advised them to be more discreet. Several group members began collecting firearms, and some began planning travel to Pakistan to be trained in combat by an Islamic militant group there. Some members of the group had already trained with that organization.

After the attacks on the World Trade Center on September 11, 2001, the defendant convened members of the center. He advised them that he expected anti-Muslim sentiment would be on the rise in America and to be careful. He also told one individual to "gather some brothers and come up with a . . . contingency plan," to address the potential for "mass hostility towards Muslims in America." *Al-Timimi Slip* op. at 5. At a later meeting with select members of the center (which included some members of the paintball group), the defendant advised the men to repent their sins, leave the U.S., and join the fight in Afghanistan. He told the men that, should they stay in the U.S., they would be complicit in the U.S. fight against Muslims by paying U.S. taxes. He also mentioned the Pakistani militant organization and suggested that the men get trained by them, because members of that group were on "the correct path" of religion. *Id*. at 6. This discussion had an impact on some of the group members, and several members travelled to Pakistan and were trained in combat tactics (although none of the men ever actually fought in Afghanistan).

In October of 2001, the defendant held another meeting at his home with adherents of the center. Some of the same men from the earlier meeting were present. The defendant advised the group to "support

[the Muslims in Pakistan and Afghanistan] physically, [and] if you can't support them financially, support them through speaking good of them or telling the good of what they are doing, and if you can't do that, then at least pray from them." *Id*. at 9.

By early 2003, law enforcement began investigating members of the Islamic center. They obtained search warrants for the homes of the defendant and others, interviewed members, and began recording their phone calls. Eleven members of the group, including the defendant, were indicted for various charges in June 2003, all relating to their alleged conspiracy to engage in combat against the U.S. The defendant spoke to law enforcement several times, acknowledging many of his prior remarks, but denying that he specifically encouraged people to get combat training or wage jihad. A superseding indictment later charged the defendant with a host of serious terrorism-related crimes, including conspiring to levy war against the U.S., soliciting and inducing others to do so, contributing services to the Taliban, and inducing others to illegally use firearms. The defendant pleaded not guilty, but the jury convicted on all counts. The defendant was sentenced to life plus a number of long consecutive sentences. Procedural wrangling relating to certain secret government surveillance programs relevant to the prosecution that came to light in 2005 delayed the appeal of that verdict until 2014. More new information relating to government surveillance was discovered around that time. The U.S. Supreme Court also decided the *Johnson* case, which impacted the defendant's appeal. *See U.S. v. Johnson*, 576 U.S. 591 (2015) (finding the definition of "violent felony" in 18 U.S.C. 924(e) unconstitutional). These developments led to multiple remands to the district court before resolution of the appeal. Several of the defendant's convictions were vacated in 2024 due to the *Johnson* decision. Between the time he served and the convictions that were ultimately vacated, the defendant had served a large portion of his sentence, but still faced an additional 360 months imprisonment.

On appeal, the defendant argued that his convictions violated the First Amendment because the language that formed the basis of his convictions was protected speech. The Fourth Circuit unanimously agreed. "Abstract 'advocacy of lawlessness' is protected speech. 'Mere encouragement' of unlawful activity is 'quintessential protected advocacy.'" *Al-Timimi* Slip op. at 14. Only speech that incites or produces imminent lawlessness and is likely to cause such conduct is unprotected. *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969). Similarly, speech that facilitates, solicits, or abets the commission of crime is unprotected as speech integral to criminal conduct. *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 498 (1949). Here, the defendant's speech did not fall within either category of unprotected speech. "Al-Timimi's speech was neither sufficiently imminent or sufficiently definite to lose First Amendment protection under *Brandenburg*." *Al-Timimi* Slip op. at 20. Likewise, the defendant "did not help anyone to commit crimes. To be sure, he encouraged them. But the most he did to further the commission of these crimes was to advise individuals—in quite general terms—on how to react to the Sept. 11 attacks . . ." *Id*. at 28.

The convictions were all therefore vacated and the case was remanded to the district court for it to enter judgments of acquittal.

Plaintiffs lacked standing to challenge Maryland's restriction on firearm possession on private property not open to the public; state ban on firearm possession on private property held open to the public is unconstitutional; other restrictions on firearms in sensitive places are constitutional under the Second Amendment

Kipke v. Moore, 165 F.4th 194 (Jan. 20, 2026). The plaintiffs challenged various Maryland state restrictions on possession of firearms in certain places. Under state law, restricted places include government buildings, mass transit facilities and vehicles, school grounds, public demonstrations (including anywhere within 1000 feet of such demonstrations), state parks and forests, healthcare facilities, places of amusement (such as museums, stadiums, racetracks, amusement parks, casinos, and video lottery stores), locations where alcohol is sold, and on private property. The plaintiffs sued state officials in the District of Maryland, arguing these restrictions unduly burdened their Second Amendment rights and seeking to enjoin their enforcement. The district court denied most of the plaintiffs' claims, although it granted preliminary injunctions regarding the restrictions for private property, public demonstrations, and locations that sell alcohol. It later granted summary judgment in part, and both parties appealed.

Other than the challenges to possession of firearms in government buildings, schools, and on private property, all of the other challenges to the state place restrictions were brought as facial challenges. According to the plaintiffs, these restrictions cannot be constitutional under any set of circumstances. According to Maryland officials, each of the challenged restrictions were valid as "sensitive place" restrictions.

As to the restriction on possession of firearms in government buildings, *Bruen* considered it "settled" that places like schools and government buildings were "sensitive places" where firearms could properly be restricted consistent with the Second Amendment. "This guidance from the Supreme Court is more than sufficient to uphold Maryland's prohibition of firearms in government buildings." *Kipke* Slip op. at 15.

As to the restriction on firearms in mass transit facilities and vehicles, it was constitutional because Maryland acts in a proprietary fashion, rather than a regulatory one, when managing these properties. States may generally manage its property as it sees fit when it is engaged in commerce, as opposed to policy making. "We hold that, when the government is acting in its proprietary capacity or as a market participant, rather than a steward of public land, it may prohibit guns without offending the Second Amendment." *Id*. at 16. Further, regulation of guns on transportation services is consistent with the historical tradition of limiting firearms on railroad carriers, as an alternate and independent ground to uphold the regulation, at least for purposes of the facial challenge at issue here.

As far as the challenge to possession of firearms on schools, the plaintiffs chose not to challenge the restriction on possession of guns inside of school buildings but took issue with the ban insofar as it applied to possession on school grounds more generally. Like with government buildings, the Supreme Court has acknowledged schools are a sensitive place within the meaning of the Second Amendment. "[S]chool grounds are analogous to school buildings." *Id*. at 22. For the same reasons that firearms may be restricted inside of schools, they may likewise be banned on school grounds.

The plaintiffs also lost their challenge to the restriction on firearms at and near public demonstrations. Maryland argued first that the plaintiffs lacked standing to challenge this restriction. The court disagreed. One of the plaintiffs regularly participates in demonstrations and plans to do so again in the future. This was sufficient to show an injury-in-fact and confer standing. On the merits, this regulation was consistent with the Nation's tradition of protecting and encouraging peaceful protest. The text of the First Amendment refers to the right of people to "peaceably . . . assemble." This indicates the Founders' understanding that some demonstrations can be unlawful and may be dispersed consistent with the

constitution. A long historical tradition also exists of criminalizing "riotous" public assemblies, and many states have long banned gun possession at public gatherings. Thus, the district court erred in enjoining enforcement of this provision and its order to that effect was reversed.

Regarding the ban on firearms in state parks and forests, the court noted that public parks and green spaces did not exist at the time of the Founding and only arose in the mid-19th century. As soon as public parks started appearing, though, state and local jurisdictions began banning firearm possession within them. For example, New York City's Central Park banned guns during its first year of operation in 1858. Many other jurisdictions did the same around the same time. Similarly, forests were traditionally viewed as economic resources. Now, however, state forests operate much like public parks and firearms could properly limited within them for the same reasons.

As to the restriction on firearms at health care facilities, there is a historical tradition of prohibiting guns in places that provide services for vulnerable people. Medical patients in general qualify as a vulnerable population. Some medical patients have historically had their firearm rights limited, such as "the intellectually disabled, mentally ill, and those with substance use disorders." *Id*. at 30. In addition, guns have traditionally been regulated at places where scientific research is being conducted. Maryland's regulation on firearm possession at health care facilities fits comfortably within these traditions.

Maryland's ban on firearm possession at amusement parks and similar places like stadiums and museums likewise did not run afoul of the Second Amendment. States have long banned gun possession at places like public ballrooms and places where people gather for "educational, literary, or social purposes," like museums and historical societies. *Id*. at 32. "This extensive set of historical regulations banning firearms at places of amusement and social gathering 'justifies the conclusion' that modern-day places of amusement such as stadiums, amusement parks, racetracks, video lottery facilities, casinos, and museums, 'fall within the national historical tradition of prohibiting firearms at sensitive places.'" *Id* (internal citation omitted).

Maryland's ban on firearms at places that sell alcohol and places where alcohol is consumed is similarly supported by the country's historical tradition. Many states at the time of the Founding restricted firearms from being sold to militia members, and at least one state banned the use of firearms by any intoxicated person altogether. Many cities also banned possession of firearms by an intoxicated person and did not allow people engaged in selling liquor to store gunpowder. Separately, there are long historical traditions of banning guns both in crowded spaces and in or near places where alcohol is sold. Thus, history supported treating places where alcohol is sold or consumed as a "sensitive place" within the meaning of the Second Amendment, and the state ban was therefore constitutional. The district court incorrectly concluded otherwise and was reversed on this point.

Regarding the state ban on possession of firearms on private property without express permission from the property owner, the court found that the plaintiffs lacked standing to challenge that provision insofar as it is applied to private property not held out as open to the public. Insofar as the ban applied to private property held open to the public, the plaintiffs had standing and their challenge was successful. No historical tradition supported the notion firearms could be broadly excluded from the private property of another in the absence of express permission from the property owner. The rule violated the Second Amendment with respect to private property open to the public.

Judge Agee concurred in part and dissented in part. He agreed with the majority that the ban on firearm possession in government buildings and schools was constitutional. He also agreed that the ban on firearms in health care facilities was constitutional, but for different reasons. Judge Agee concurred with the lead opinion's analysis of the firearm ban on private property in all respects but would have found all the other challenged regulations unconstitutional under the Second Amendment.

Facial Second Amendment challenges to 18 U.S.C. 922(g)(1) and (g)(9) were foreclosed by precedent; defendant's as-applied challenge to 18 U.S.C. 922(g)(9) was remanded for consideration in light of *Rahimi* and subsequent Fourth Circuit decisions

U.S. v. Jacobs, ___ F.4th ___ (Jan. 21, 2026). During an argument with his girlfriend at his home, the defendant allegedly fired a gun. This led to law enforcement searching the home. Inside, they discovered a pistol and a rifle. The defendant acknowledged that he had previously been convicted of a felony and was aware that he could not lawfully possess guns. Law enforcement discovered that he also had a prior conviction of a misdemeanor domestic violence offense. The government sought and obtained an indictment in the Northern District of West Virginia for possession of firearm by felon (18 U.S.C. 922(g)(1)) and possession of a firearm after having been convicted of a misdemeanor crime of domestic violence (18 U.S.C. 922(g)(9)).

Prior to the decision in *U.S. v. Rahimi*, 602 U.S. 680 (2024) (rejecting a facial challenge to 18 U.S.C. 922(g)(8)), the prohibition of possession of firearms by a person under a domestic violence protective order), the defendant raised facial and as-applied Second Amendment challenges to both statutes and moved to dismiss. The district court granted that motion, finding that both 922(g)(1) and 922(g)(9) were unconstitutional as applied to the defendant. The government appealed. During the pendency of the appeal, the U.S. Supreme Court decided *Rahimi*, and the Fourth Circuit subsequently decided several important Second Amendment cases. These included *U.S. v. Canada*, 123 F.4th 159 (4th Cir. 2024) (foreclosing facial challenges to 18 U.S.C. 922(g)(1)), *U.S. v. Hunt*, 123 F.4th 697 (4th Cir. 2024) (foreclosing as-applied challenges to 18 U.S.C. 922(g)(1)), and *U.S. v. Nutter*, 137 F.4th 224 (4th Cir. 2025) (foreclosing facial challenges to 18 U.S.C. 922(g)(9)). Based on *Hunt* and *Canada*, the district court erred in dismissing the felon in possession charge. That order was reversed and the matter was remanded for further proceedings. The *Nutter* decision foreclosed the defendant's facial challenge to 18 U.S.C. 922(g)(9) and was properly rejected by the district court, as well. However, the Fourth Circuit has not yet considered the viability of an as-applied challenge to 922(g)(9). Because the district court lacked the guidance of *Rahimi* and subsequent Fourth Circuit decisions that provide a more robust analytical framework for Second Amendment challenges and because the factual record before the court was insufficient to decide the issue on appeal, the order of dismissal for 18 U.S.C. 922(g)(9) charge was vacated. The matter was therefore remanded back to the district court for it to conduct a new analysis of the as-applied challenge of the possession of firearm after a misdemeanor crime of domestic violence offense.

Convictions for murder-for-hire and conspiracy to commit murder-for-hire did not violate double jeopardy; motions to suppress were properly denied

U.S. v. Evans, ___ F.4th ___ (Jan. 21, 2026). Two of the defendants ran a drug trafficking operation in the Eastern District of Virginia. A customer failed to pay for a shipment of drugs, and the two men hired a third man to kill someone close to the customer. The hired gun recruited a fourth person to assist with the murder, and those two men travelled to North Carolina from Virginia, where they killed the aunt of

the non-paying customer. All four defendants were charged with various offenses relating to the murder for hire, drug conspiracy, and other crimes. The jury convicted all defendants on all counts, and each defendant was sentenced to life in prison. On appeal, all four defendants argued that double jeopardy precluded their being convicted and sentenced for both murder for hire and conspiracy to commit murder for hire. While only two of the defendants preserved this argument at trial, the court rejected this challenge for all. Under the same elements test articulated in *Blockburger v. U.S.*, 284 U.S. 299, 304 (1932), murder for hire and conspiracy to commit murder for hire have distinct elements—the conspiracy offense requires an agreement to commit murder for hire, while the murder for hire offense requires travelling or causing another to travel in interstate commerce with intent that a murder be committed. "Murder-for-hire thus requires proof of at least one fact that conspiracy to commit murder-for-hire does not." *Evans* Slip op. at 9-10.

One defendant challenged the district court's denial of his motion to suppress location data obtained from a GPS tracking device installed on a rental car he drove. He argued that the warrant authorizing the tracking device was based on stale information provided from an untrustworthy informant. The evidence obtained from the rental car about the defendant's location led to the installation of a pole camera and a pen register, and the defendant argued this all was fruit of the initial illegal search. The district court properly rejected this argument. The defendant's involvement in drug dealing was ongoing when the warrant was obtained, and the affidavit in support provided ample information about the informant's history as a reliable source for law enforcement. The GPS tracking warrant also did not amount to a general warrant, because it was only placed on one rental car and was supported by probable cause to believe the defendant was dealing cocaine.

The same defendant also complained that the information obtained by the pen register should have been suppressed because the order authorizing it was not bound by geographic limits as required by relevant state and federal law. However, a pen register is not a search within the meaning of the Fourth Amendment, and application of the exclusionary rule is therefore not available. While there are sometimes statutory suppression remedies available, state and federal statutes authorizing the use of pen registers do not generally provide any such remedy. "We thus join at least five of our sister circuits in holding that statutory suppression is not an available remedy for a pen register statute violation when, as here, the statutes do not provide for suppression." *Id*. at 12. This defendant also briefly raised the issue of the district court having erred in denying a hearing under *Franks v. Delaware*, 438 U.S. 154 (1978), but the defendant failed to meaningfully argue that point or explain the alleged error, so the court deemed the issue not properly before it.

A different defendant complained that the district court should have suppressed cell-site location data that was obtained without a warrant. Those orders were obtained in reliance on federal statutes purporting to authorize such warrantless searches prior to the Supreme Court's decision in *Carpenter v. U.S*, 585 U.S. 296 (2018) (holding long-term cell site location data was a Fourth Amendment search and required a warrant supported by probable cause). Because law enforcement acted pursuant to existing law in effect at the time, the good-faith exception to the exclusionary rule applied and the motion to suppress was properly denied.

Two defendants challenged the district court's denial of their motions to suppress evidence obtained pursuant to wiretap orders issued by a North Carolina state court. One argued that the wiretaps should have been suppressed because the applications in support of the wiretap orders failed to establish that

"normal investigative procedures had been tried and had failed or reasonably appeared to be unlikely to succeed if tried or be too dangerous," as required by relevant state and federal law. *See* 18 U.S.C. 2518(3)(c); G.S. 15A-293(a)(3). The court rejected this argument, finding that the government's burden was not a high one and that law enforcement met that burden here by providing detailed information about the need for wiretaps. The other defendant, who was not the target of the wiretaps, complained that law enforcement needed probable cause as to him to record the conversations he had with the target. While the district court incorrectly concluded that this defendant lacked standing to challenge the wiretap, its ruling denying the motion to suppress was affirmed on other grounds. The wiretap orders were supported by probable cause to believe that the target was engaged in criminal activity, and that was all that was needed to justify the wiretaps. "We thus join at least three of our sister circuits in holding that, under the federal wiretapping statute, 'the government need not establish probable cause as to all participants in a conversation.'" *Evans* Slip op. at 16 (internal citation omitted).

Other challenges to the sufficiency of the evidence, jury instructions, evidentiary rulings, severance rulings, and more were likewise rejected. The judgment of the district court was therefore unanimously affirmed.

Juvenile advocacy groups lacked standing to challenge conditions of confinement of detainees held in South Carolina's DJJ facilities

South Carolina State Conference of the NAACP v. South Carolina Department of Juvenile Justice, ___ F.4th ___ (Jan. 29, 2026). Several advocacy groups in the South Carolina sued the South Carolina Department of Juvenile Justice over what they claimed were "overcrowded, understaffed, and poorly maintained" facilities and that juvenile detainees were regularly subject to violent and unsafe conditions. *South Carolina State Conf. of NAACP Slip* op. at 4. They also claimed that in-custody juveniles were denied access to appropriate medical, educational, and rehabilitative assistance. A divided Fourth Circuit dismissed the suit, finding that the plaintiff's lacked standing. In the words of the majority:

> We do not doubt the sincerity of the plaintiffs' desire to ameliorate the harm that may befall juveniles in DJJ's custody, only the wisdom of their decision to sue in place of those whose interests they seek to advance. The youth detained by DJJ should be driving this litigation forward, not advocacy organizations. Article II of the Constitution requires nothing less. It does not countenance suits by concerned citizens, only injured parties. *Id*. at 3.

Judge Wynn dissented. He would have ruled that the plaintiffs established standing and would have allowed the suit to proceed.