

## Case Summaries: Fourth Circuit Court of Appeals (June 4, 24, 25, & 29, 2026)

**Where prison officials failed to preserve video footage of alleged offense despite multiple requests from the inmate to do so, grant of summary judgment to prison officials without deciding pending sanctions motion was an abuse of discretion**

[Shaw v. Foreman](#), 177 F.4th 551 (June 4, 2026). The plaintiff was an inmate in a Virginia state prison. Prison officials accused him of indecent exposure. The plaintiff insisted that he had not committed the offense and that video security footage would exonerate him. The alleged incident occurred in a bathroom. According to the plaintiff, the video would have shown that he was not present at the scene. The plaintiff claimed that prison officials repeatedly refused his requests to review the footage. After delaying his disciplinary hearing and placing the plaintiff in segregation for an extended period, prison officials eventually held the hearing. The video footage was not presented because the prison officials claimed that the footage was unhelpful due to poor quality. The plaintiff was found responsible for the indecent exposure offense. As a result, his security classification was increased, which led to his transfer to a maximum-security prison. After the transfer, the plaintiff asked prison officials to preserve the video for use in potential litigation.

He eventually sued the prison officials, alleging First Amendment retaliation and procedural due process claims. The district court dismissed the procedural due process claim before the video was provided in discovery and later granted summary judgment to the prison officials on the retaliation claim. The plaintiff appealed and, in an earlier proceeding, the Fourth Circuit reversed on both points. *Shaw v. Foreman*, 59 F.4th 121 (4th Cir. 2023). Specifically, the court found that summary judgment was improper when the video footage had yet to be produced. On remand, the parties proceeded to discovery, where it was revealed that prison officials had not preserved the video. The plaintiff then sought spoliation sanctions against the defendants. While that motion was pending before a magistrate judge, the district court again granted summary judgment on both claims to the defendants. The sanctions motion was never addressed. The plaintiff again appealed, and the Fourth Circuit again reversed.

The district court abused its discretion by failing to address the sanctions motion. The video footage was critical evidence in support of the plaintiff's claims, and the sanctions motion was potentially dispositive of the claims alleged under the circumstances. "Even if the criteria for dispositive sanctions are not met in this case, the significance of the footage—emphasized by our prior opinion and highlighted by the available evidence—warranted, at a minimum, a complete consideration of the sanctions motion." *Shaw* slip op. at 9.

The judgment of the district court was therefore reversed by a unanimous panel of the Fourth Circuit, and the matter was remanded for the district court to consider the motion for sanctions against the prison officials.

**Court assumes without deciding that inmate strip search policy violated the Fourth Amendment, but the right of an inmate to be free from such searches was not clearly established at the time; grant of qualified immunity to prison officials affirmed**

[Ingram v. Hamilton](#), 179 F.4th 251 (June 24, 2026). A series of drug overdoses among inmates began to plague a maximum-security prison in southwestern Virginia. Prison officials obtained information that drugs were being smuggled between inmates through packages left in the video visitation room, where one inmate would leave drugs for the next inmate to recover. After 13 drug overdoses within a two-month period, prison officials decided to implement a policy requiring each inmate to be strip searched before and after entering the video visitation room. Prior to that policy, most inmates were merely patted down and frisked before entering the room, although strip searches were permitted when officers believed it was necessary. The new policy required that a male guard perform the strip searches, that the search be conducted without physically touching the inmate, that the search be performed in a private room, and that no other inmates be present during the search.

The video visitation room was contained within a larger area that was used for various other prison services, including the contact visitation room, the no contact visitation room, medical services, and religious services. Inmates using most of these other services within the area were not subject to the strip search policy. The plaintiff was an inmate who regularly used the video visitation room to call his spouse. He was strip searched 26 times during one month. Prison officials acknowledged that no reasonable suspicion existed to perform the searches. The policy continued for 30-60 days before being discontinued. During that time, no contraband was found in the video visitation room, no inmates using the room were found to be in possession of contraband, and none experienced any overdoses or other medical event associated with using illegal drugs. According to the warden, he did not remember why he eventually terminated the policy.

The plaintiff filed suit in the Western District of Virginia against the warden and the guard who conducted most of the strip searches on him alleging Fourth and Eighth Amendment violations. The defendants sought summary judgment based on qualified immunity and the district court granted that motion. It found that the policy was reasonable and therefore complied with the Fourth Amendment. It also found that no Eighth Amendment violation occurred because the searches were related to a legitimate penological purpose and were not motivated by any improper intent. The plaintiff appealed that ruling as to the Fourth Amendment claim only. On appeal, a unanimous panel of the Fourth Circuit affirmed.

Whether the strip search of an inmate is reasonable under the Fourth Amendment is determined by the context in which it occurs. The analysis is guided by four factors: 1) the scope of the search; 2) how the search was performed; 3) the motivation behind the search; and 4) the place in which the search occurred. *Bell v. Wolfish*, 441 U.S. 520 (1979). Here, the first factor strongly favored the plaintiff. “[O]ur case law plainly says that a sexually invasive search, such as a strip search, ‘constitutes an extreme intrusion upon personal privacy, as well as an offense to the dignity of the individual.’” *Ingram* Slip op. at 12 (internal citation omitted). The second and fourth factors, the manner and location of the search, favored the defendants, because the searches did not involve physical contact with inmates and they occurred in a private setting. The third factor, though, favored the plaintiff. The strip search policy was initiated based on anonymous and uncorroborated tips from inmates. Prison officials could not explain the basis of the tipsters’ knowledge. No other evidence linked the video visitation room to contraband smuggling—none of the inmates who had experienced an overdose had any connection to the room, and no inmate was

ever found with contraband before or after having used the room. Such smuggling through the room would have been extremely difficult, given that the room is under constant surveillance and is mostly empty, without anywhere for an inmate to hide drugs. Guards also search the room each time after an inmate uses it. “Thus, in part because of the already robust security measures, the strip search policy appears to have been an overreaction to the low probability that someone could manage to trade contraband through the video visitation room.” *Id.* at 14.

The court therefore assumed without deciding that the policy violated the Fourth Amendment as an unreasonable search. However, no controlling precedent clearly established the policy as illegal, nor was there a consensus of persuasive authority that would have alerted prison officials to the illegality of the policy. Because the right of an inmate to be free from such searches was not clearly established at the time, the award of qualified immunity was warranted, and the judgment of the district court was affirmed in full.

**District court did not err in failing to conduct a competency hearing for defendant who expressed some suicidal ideation but was otherwise fully capable of understanding the proceedings and assisting in his defense; where defendant voluntarily provided his phone passcode to police, motion to suppress evidence from the phone was properly denied**

[U.S. v. Bendann](#), \_\_\_ F.4th \_\_\_, 2026 WL 1829286 (June 25, 2026). The defendant worked as a middle school teacher at a boys-only preparatory school in Baltimore, Maryland. In addition to teaching, he worked as a coach and student advisor. In these capacities, the defendant became close with the victim, a sophomore at the school, and his family. The defendant would drive the student and his friends around, pick them up from parties, and perform other favors for the child. He regularly communicated with the victim on social media, as well. The defendant initially began asking the victim and his friends to “run a naked lap” in exchange for rides and other services. Eventually, the defendant began picking up the victim alone and made him ride in the car nude. This escalated to the defendant sexually abusing the victim in his car and other locations while filming the abuse. He also convinced the victim to send sexual images and videos of himself over social media. When the victim tried to cut off contact, the defendant threatened to release the recorded images of the victim performing sexual acts. This abuse continued after the victim had graduated from the school, with the defendant uploading the images of the victim onto private social media accounts and threatening to make the accounts public (among other coercive and harassing acts). Other students at the school eventually reported the defendant for sexual grooming, at which point the victim came forward. Police soon obtained a warrant to search the defendant, his home, and his car. The warrant specifically provided that officers could seize and search the defendant’s electronic devices and obtain any biometric data (such as fingerprints or an image of the defendant’s face) needed to unlock the devices.

During execution of the search warrant at the defendant’s home, a detective read the defendant a Miranda warning and asked if he wanted to answer questions. The defendant made a reference to his attorney having advised him not to speak with anyone and the detective did not attempt to question him further. The detective held the defendant’s phone up to his face in attempt to unlock it, but the phone did not unlock. Instead, the screen to manually enter the phone’s password appeared. Without being prompted, the defendant then entered his numeric passcode. The detective was able to observe the first four numbers (of six) entered into the phone by the defendant, which matched the month and day of

the defendant's birthday. After checking the defendant's birthday, the detective had the defendant confirm the phone's passcode.

The defendant was indicted in the District of Maryland on multiple counts of sexual exploitation of a child, as well as possession of child sexual abuse material and cyberstalking. He moved to suppress, arguing that the evidence from his phone should be excluded. The district court denied the motion, finding that the defendant voluntarily provided the phone passcode to the detective.

On the day of trial, the defendant would not leave his jail cell to appear in court. Defense counsel stated that they had asked the jail to evaluate the defendant for suicide risk the previous week but did not have evidence that the defendant lacked capacity to proceed. After being ordered to appear, the defendant came to court. The government then provided defense counsel a recording of the defendant discussing suicide with his father on a jail phone call. The defense then moved for a formal psychiatric evaluation and competency hearing. The district court then questioned the defendant about his ability to understand the proceedings, the charges, and defense counsel's role. The defendant confirmed that he understood, although he also complained about his pretrial incarceration and the conditions therein. The district court denied the motion for a mental health evaluation and competency determination. When asked if wished to waive his right to be present for trial, the defendant declined. He subsequently attended all stages of the trial.

The jury convicted the defendant of all charges after less than an hour of deliberations and the district court sentenced him to 35 years in prison, followed by lifetime supervised release. The defendant appealed, arguing that the district court erred by denying his motion for competency evaluation and motion to suppress, among other arguments.

On appeal, the Fourth Circuit unanimously affirmed. The district court appropriately handled the competency issue. While the defendant was distressed about this situation, the district court was not presented with any evidence that he was incapable of proceeding. According to the court:

“[The defendant] never expressed or displayed any difficulty understanding the proceeding or engaging with his lawyers. Nor did [the defendant] offer evidence that he lacked the capacity to consult with and assist his lawyers. If anything, [the defendant's] critiques and occasional snark ‘demonstrated a mind that was razor sharp,’ and showed that he was ‘quite aware of the circumstances and issues’ in his case. *Bendann* Slip op. at 11.

Notwithstanding the defendant's suicidal ideation, the defendant acted appropriately before the court and had no history of mental illness. The district court's questions were “exceptionally cautious and thorough,” and it did not err by denying a full hearing on the issue of competency. *Id.* at 10.

As to the motion to suppress, the court agreed with the district court that the defendant voluntarily provided his phone passcode. While the search warrant was executed at 5 a.m. by an armed SWAT team and the defendant was initially detained while undressed, by the time the detective held up his phone, the defendant was out of handcuffs, fully dressed, and calmly speaking with the detective. He also entered his passcode within seconds of the detective presenting the phone. “On these facts, we can't find that [the defendant's] will was so overborne that he would have felt compelled to enter his passcode.” *Id.* at 14.

Other challenges were likewise rejected, and the district court's judgment was affirmed in all respects.

**Where officers reasonably believed that plaintiff presented an immediate and lethal threat, use of deadly force was justified and did not constitute excessive force**

[Morgan v. City of Charlotte](#), \_\_\_ F. 4th \_\_\_; 2026 WL 1856998 (June 29, 2026). A man with schizoaffective and bipolar disorder contacted the Charlotte police. He reported that his neighbors had been disturbing him all night and claimed that they had threatened to shoot him when he tried to complain to them about it. During the phone call with the police, the man claimed to be a law enforcement officer and stated that he had a gun and would protect himself. The man had actually been adjudicated incompetent in state court and was not permitted to possess a firearm under state law, but he did possess a prop gun—one that cannot shoot real bullets but can shoot blanks and that appears like a real gun and sounds like one when fired. When two officers responded to the call, the man was “rambling and incoherent.” He threatened several times to shoot the neighbors in the presence of the officers and at one point dropped his gun before picking it back up in their presence. The man eventually went back into his home, leaving the officers to talk with the neighbors. The officers then heard a gunshot from inside the man's home and radioed for backup.

An additional gunshot came from inside the man's home and officers surrounded the home but did not otherwise act. The man's guardian appeared on the scene, along with several more officers. She attempted to enter the home, but police would not allow her to do so. She told the officers about the man's mental health challenges and stated that he did not own a gun. Officers eventually detained the woman for resisting the officers' commands. The man then came out of his back door and fired the gun again. One officer saw this and repeatedly ordered the man to drop the gun. The man allegedly pointed the gun at the officer, and the officer fired several shots, although none of them hit the man. The man went back inside the home. A few minutes later, the man again fired his weapon from a front window, seemingly at random. A different officer returned fire and possibly hit the man but did not disable him. The man again appeared in the front window and shot again, prompting yet another officer to fire three shots and hit the man at least twice. The man then surrendered. He was taken for medical treatment and ultimately survived.

His guardian sued the three officers who shot him and the City of Charlotte, arguing that they violated his Fourth Amendment right to be free from excessive force and that they failed to accommodate his disabilities in violation of the Americans with Disabilities Act (ADA). The district court granted summary judgment to all defendants on all claims, finding that the officers acted reasonably. The plaintiff appealed and a unanimous panel of the Fourth Circuit affirmed.

A significant factor in the totality of circumstances analysis for excessive force claims is whether the suspect posed an immediate threat. Here, the officers reasonably believed that the man presented such a threat. “Numerous times, he drew and discharged his gun while defying orders from the police to stand down. Just as [the man] created a lethal danger to those around him, the police responded with lethal force.” *Morgan* Slip op. at 9. The officers believed that shots were being fired more or less randomly into a dense, residential area and that those acts constituted serious felony offenses. The man was also actively resisting by ignoring commands to drop the gun and surrender. That the gun turned out to be a prop gun did not change the analysis, because a reasonable officer would have believed that the gun was real. On these facts, the officers' use of force was not excessive.

The ADA claim failed for similar reasons. In closing, the court observed:

We wish these events had ended differently, and we regret the suffering that [the man and his guardian] experienced. It goes without saying that mental illness is no trivial matter. At the same time, unfortunate circumstances alone do not automatically give rise to a cognizable legal claim—be it under the Constitution, the ADA, or elsewhere. . . . While officers did what they could to turn down the temperature, [the man's] chaotic shooting into the neighborhood left them little choice but to return fire. *Id.* at 21.