LEGAL UPDATES

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Supreme Court Rejects "Moment-of-Threat" Rule in Section 1983 Excessive Force Suit

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In *Barnes v. Felix*, the U.S. Supreme Court unanimously held that courts evaluating Fourth Amendment excessive-force claims in Section 1983 lawsuits against law enforcement officers must consider the "totality of the circumstances" of an encounter with police, not just the instant immediately preceding an officer's use of deadly force. The court rejected the Fifth Circuit's "moment-of-threat" rule, which confined review to the precise seconds when the officer perceived the danger allegedly requiring the use of deadly force. The court reasoned that the Fifth Circuit's rule was incompatible with longstanding precedent requiring context-sensitive analysis of the reasonableness of a police officer's use of force. Accordingly, the Supreme Court vacated the Fifth Circuit's decision and remanded the matter for reconsideration under the correct framework.

Background

The case arose out of a deadly force incident in which a Houston police officer initiated a traffic stop of the plaintiff for outstanding toll violations. Less than two minutes into the stop, the plaintiff turned on the ignition with the car door still open and attempted to drive away. The officer unholstered his weapon, leapt onto the doorsill, shouted "Don't move!" and fired two shots into the vehicle. The plaintiff was mortally wounded and pronounced dead at the scene.

A Fifth Circuit panel dismissed the Section 1983 suit against the officer, concluding that the only relevant inquiry was whether a reasonable officer in the final seconds of the encounter would have perceived a threat necessitating the use of deadly force. The Supreme Court rejected this narrow framing, explaining that examining only the seconds before the shooting in isolation

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prevents courts from understanding the full context of an encounter with police.

What this means to you

Local law enforcement agencies will need to update policies, training materials, and incident-review protocols to ensure that officers document and justify not only split-second decisions but also the broader context in which those decisions occurred. *Barnes v. Felix* heightens the importance of comprehensive record-keeping and scenario-based training for Texas local law enforcement agencies, as prior interactions and situational developments can now be scrutinized in litigation over use of deadly force.

Contact us

If you have questions regarding how *Barnes v. Felix* could impact litigation involving local law enforcement officers, contact Kate David, Sandy Gomez, Ben Stephens, Sebastian Waisman, Caroline Thompson, or your Husch Blackwell attorney.

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