Timing Tossed, Totality Triumphs: SCOTUS in Barnes v. Felix Clarifies Use-of-Force Analysis

Description

On May 15, 2025, the Supreme Court of the United States released its long-anticipated opinion in *Barnes v. Felix*, S.Ct.., 2025 WL 1401083. The unanimous 9-0 decision clarified and reiterated several critical principles for assessing use of deadly force cases. A police officer's use of deadly force violates the Fourth Amendment when it is not "objectively reasonable."[1] The inquiry into reasonableness requires assessing the "totality of the circumstances."[2] Far from creating a new framework, the opinion re-affirms the foundational principles set out in *Graham v. Connor* and *Tennessee v. Garner*, and clarifies that the Fifth Circuit's "moment-of-threat" application cannot displace the well-established totality of the circumstances approach.

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Background

This case comes in the aftermath of a tragic death in 2016, involving Officer Roberto Felix, Jr., and Ashtian Barnes, stemming from what began as a lawful traffic stop over outstanding toll violations. Barnes parents filed suit, asserting claims against defendants Officer Felix and Harris County under 42 U.S.C. § 1983. Officer Felix, acting on information received via a radio dispatch from the Harris County Toll Road Authority, identified and stopped a vehicle matching the description of a license plate that was reported to have outstanding violations. The officer approached the driver's side window and requested Barnes' driver's license and proof of insurance. Barnes replied that he did not have the documentation and that the car had been rented a week earlier in his girlfriend's name. During this interaction, Barnes was "digging around" in the car. Officer Felix warned Barnes to stop doing so and, claimed that he smelled marijuana. From this point, the situation rapidly escalated. He then asked Barnes if he had anything in the vehicle Officer Felix should know about. In response, he turned off the car and placed his keys near the shifting gear. Barnes responded verbally, telling Officer Felix that he "might" have the requested documentation in the trunk of the car. The body camera footage shared that: At this time, Barnes's left blinker is still on, indicating that the keys are still in the ignition. Barnes follows the officer's direction to open the trunk of the vehicle, followed by Barnes's left blinker turning off. Officer Felix asked Barnes to get out of the vehicle, and there is evidence that Barnes's driver side door opens. A few second later, Barnes's left blinker turns back on, and Officer Felix drew his weapon. The bodycam captures Officer Felix pointing his weapon at Barnes, to which he began shouting "don't fucking move" as Barnes's vehicle begins moving. However, with the door still open Barnes began to drive away. Officer Felix jumped onto the door sill and twice ordered Barnes to stop. While the car was moving, Officer Felix shot inside the vehicle with "no visibility" as to where he was aiming. In the next

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second, Officer Felix fired a second shot while the vehicle was still moving. He ended up discharging his firearm twice, resulting in Barnes' death.

Procedural Posture

In the aftermath of the incident, Barnes's mother filed suit under 42 U.S.C. § 1983, claiming that Officer Felix used excessive force in violation of Barnes' Fourth Amendment rights. The district court granted summary judgment to Officer Felix, relying on the Fifth Circuit's "moment-of-threat" rule. The moment-of-threat doctrine considers only "whether the officer was in danger "at the moment" of the threat that result in the use of deadly force." Under this approach, Courts disregarded all prior events and decisions made by the officer leading up to the actual moment that deadly force was used. Examining only the final two-second interval while Officer Felix clung to the moving vehicle, the district court concluded that a reasonable officer could fear imminent death or serious injury and therefore found that the officer's decision to shoot did not contravene Barnes's Fourth Amendment rights. The United States Court of Appeals for the Fifth Circuit affirmed the district court's holding.

Supreme Court of the United States

The Supreme Court granted certiorari to resolve whether the framework established by *Graham v. Connor* and *Tennessee v. Garner*, permits courts, in evaluating a police use of force, to apply the moment-of-threat doctrine. Under that approach, a court looks only to the circumstances existing at the precise time an officer perceived the threat and acted.

The High Court was clear in its' holding; finding that courts may **not** apply the moment-of-threat rule, because that rule constricts the proper inquiry into the totality of the circumstances. Justice Kagan, writing for the Court explained, "*Today, we reject that approach as improperly narrowing the requisite Fourth Amendment analysis. To assess whether an officer acted reasonably in using force, a court must consider all the relevant circumstances, including facts and events leading up to the climactic moment*." The Court began by stating, "*the question in a case like this one, as this Court has often held, is whether the force deployed was justified from* "the perspective of a reasonable officer on the scene," *taking due account of both the individual interests and the governmental interests at stake*."[3] The Court explained that the Fourth-Amendment reasonableness inquiry requires assessment of the totality of the circumstances. The objective reasonableness of an officer's use of force demands "careful attention to the facts and circumstances" as known to the officer.[4] The decision emphasized that the totality of the circumstances inquiry is not bound by any time limit. While circumstances existing at the instant force is used can be, and often is, decisive, earlier events may explain why conduct appeared threatening, or why it did not. "*The history of the interaction, as well as other past circumstances known to the officer, thus may inform the reasonableness of the use of force*." The Court demonstrated this point through citing *Plumhoff v. Rickard*, where the justification for deadly force "at the moment" of the shots depended on a five-minute, 100-mile-per-hour chase, and those facts that preceded them.[5]

Against that backdrop, the justices held that the Fifth Circuit's rule incorrectly "put on chronological blinders" by forcing judges to ignore anything that happened before Officer Felix stepped onto the vehicle's doorsill. That restriction, the Court concluded, is irreconcilable with a totality-of-the-circumstances analysis. The Court concluded, "*The question presented to us was one of timing alone: whether to look only at the encounter's final two seconds, or also to consider earlier events serving to put those seconds in context*." The Court vacated the judgment of the Fifth Circuit Court of Appeals and

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remanded, instructing the Circuit to consider the reasonableness of the shooting, using the lengthier timeframe focused on the totality of the circumstances, as illustrated by this Court's unanimous opinion.

References

1. *Graham v. Connor*, 490 U. S. 386, 397 (1989).
2. Id., at 396 (quoting *Tennessee v. Garner*, 471 U. S. 1, 9 (1985)).
3. *Graham*, 490 U. S., at 396; County of Los Angeles v. Mendez, 581 U. S. 420, 428 (2017).
4. *Graham*, 490 U. S., at 396.
5. *Plumhoff v. Rickard*, 572 U. S. 765 (2014).

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