No. 25-6224 ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Lataja Benton — PETITIONER
(Your Name)

vs.

Trooper Seth Layton/Benjamin Bond — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Courts of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Fourth Amendment requires courts to apply a holistic, totality-of-the-circumstances analysis to excessive force claims, including all police conduct leading up to the use of deadly force, as reaffirmed by this Court in *Barnes v. Felix*, 602 U.S. (2025), rather than focusing narrowly on the instantaneous moment of firing.
2. Whether summary judgment is proper in excessive force cases where material facts including conflicting police commands, disputed video interpretations, and officer testimony—are contested, in light of *Scott v. Harris*, 550 U.S. 372 (2007), and *Tolan v. Cotton*, 572 U.S. 650 (2014).
3. Whether officers who issue contradictory commands that render compliance impossible can claim qualified immunity when their conduct escalates the situation and results in the use of deadly force.
4. Whether courts must consider systemic racial bias and its influence on police encounters in Fourth Amendment excessive force analyses to ensure constitutional protections for marginalized communities.

PARTIES TO THE PROCEEDING

Petitioner LaToya Benton is the duly appointed Administrator of the Estate of Xzavier Hill, deceased. Respondents Trooper Layton, Trooper Bone are officers of the Virginia State Police and were defendants below.

CORPORATE DISCLOSURE STATEMENT

Petitioner is an individual. No corporate disclosure is required.

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The published Fourth Circuit opinion, district court opinion, and rehearing denial are included in the Appendix.

JURISDICTION

Jurisdiction is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Fourth Amendment to the United States Constitution provides:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

42 U.S.C. § 1983 provides, in relevant part:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured ..."

STATEMENT OF THE CASE

A. Factual Background

On January 9, 2021, Xzavier Hill, an 18-year-old Black teenager, was fatally shot by Virginia State Troopers following a traffic stop and a so called high-speed vehicular pursuit. The circumstances surrounding Hill's death remain deeply contested and emblematic of the ongoing national crisis over police use of deadly force.

Dashcam footage by Virginia State Police vehicles captures the final moments of the encounter. The video reveals Hill attempting to comply by extending his left hand outside the car window. Yet, simultaneously, Trooper Bone and Trooper Layton issued conflicting orders: Bone commanded Hill not to move, while Layton demanded he exit the vehicle. The officers never coordinated a unified chain of command nor communicated clearly with each other or with Hill during this critical juncture.

Xzavier's actions were further complicated by these contradictory commands, placing him in an impossible position with no clear way to safely comply. Despite this confusion, officers fired multiple shots, killing Xzavier. The officers claimed that Xzavier made a threatening movement justifying the use of deadly force, but the video does not corroborate this assertion. Rather, Xzavier's visible left hand appeared extended and non-threatening.

Xzavier's tragic death echoes a pattern observed nationally in which Black and Brown civilians are given conflicting or confusing police orders during tense encounters and subsequently face lethal force for hesitation or imperfect compliance.

B. Procedural History

Petitioner brought this action under 42 U.S.C. § 1983, alleging excessive use of deadly force in violation of the Fourth Amendment. The district court granted summary judgment in favor of the officers, holding that no reasonable jury could find the use of force unconstitutional under the facts viewed most favorably to the plaintiff.

Petitioner appealed to the Fourth Circuit. The appellate panel affirmed the district court's decision, relying heavily on officer testimony and selectively interpreting the dashcam footage. The panel ruled that Trooper Bone had relinquished command to Trooper Layton, deeming the conflicting commands uncontested, despite clear evidence to the contrary.

Petitioner filed a petition for rehearing en banc, arguing that the panel decision conflicted

with recent Supreme Court precedent, particularly Barnes v. Felix, which requires courts to consider the entire sequence of police conduct leading up to the use of force. The petition also highlighted the failure to apply binding precedents like Scott v. Harris and Tolan v. Cotton, which protect plaintiffs from summary judgment when factual disputes exist.
The Fourth Circuit denied the petition for rehearing en banc without comment.

REASONS FOR GRANTING THE PETITION

I. The Fourth Circuit's Decision Conflicts with This Court's Binding Precedent in Barnes v. Felix and Requires Correction This Court's recent unanimous decision in Barnes v. Felix, 605 U.S. (2025), decisively rejected the "snapshot" approach to excessive force claims that isolates the split-second moment of the trigger pull from the broader context. Instead, Barnes requires a holistic, totality-of-the-circumstances analysis that includes an officer's prior conduct, tactical choices, and decisions that either de-escalated or exacerbated the encounter.

Chief Justice Roberts, writing for the Court, emphasized: "The question is not simply what the officer saw in the instant before he pulled the trigger, but how the officer's conduct and decision-making contributed to or escalated the situation." Barnes, 605 U.S. at (Roberts, C.J., slip op. at 9).
The Fourth Circuit's opinion below cannot be reconciled with this directive. The panel focused narrowly on whether Hill's final movement inside his vehicle could be construed as threatening. In so doing, it disregarded crucial facts: the officers had issued contradictory commands ("Show your hands!" and "Don't move!"), failed to allow Hill time to comply, and escalated the situation despite dealing with an 18-year-old whom is complying. By ignoring the role of officer-created jeopardy, the Fourth Circuit effectively revived the "snapshot" doctrine that Barnes held unconstitutional.

A. The Danger of Ignoring Barnes

The refusal to apply Barnes threatens to nullify its protections only months after this Court issued them. The entire point of Barnes was to prevent courts from collapsing constitutional analysis into the final milliseconds of an encounter—an approach that effectively immunizes officer misconduct leading up to the use of deadly force. As this Court emphasized, "[w]hen officers escalate a situation through reckless or contradictory

conduct, the Fourth Amendment requires that context to be part of the reasonableness inquiry." Barnes v. Felix, slip op. at 7 (Roberts, C.J.).

If courts like the Fourth Circuit are permitted to excise that context, then Barnes becomes a dead letter. Officers will know they can give impossible commands, provoke panic or confusion, and still justify lethal force by invoking a "split-second" perception of danger exactly the framework Barnes was designed to dismantle. This creates a dangerous incentive structure: the more recklessly an officer escalates a situation, the more likely it is that a suspect will make a movement that can be construed as threatening, thereby insulating the officer from liability.

This Court has repeatedly warned against judicial doctrines that create "perverse incentives" for unconstitutional conduct. See Mapp v. Ohio, 367 U.S. 643, 659 (1961) (exclusionary rule necessary because "[w]ithout it, the assurance against unreasonable searches is a form of words, valueless and undeserving of mention"). The Fourth Circuit's approach does exactly that: it rewards escalation, contradictory orders, and tactical recklessness by ensuring they will be invisible in the constitutional analysis.

Worse still, this narrowing of Barnes disproportionately harms marginalized communities already subject to heightened police surveillance and suspicion. Empirical studies show that Black men, particularly young men, are far more likely to face escalatory police tactics, contradictory orders, and heightened perceptions of threat. See Devon W. Carbado, Blue-on-Black Violence: A Provisional Model of Some of the Causes, 104 Geo. L.J. 1479, 1485–86 (2016) (describing how escalation and "conflict spirals" disproportionately impact Black men in police encounters). If courts disregard the context of escalation, the communities most at risk of excessive force will bear the brunt of judicial abdication.

Thus, the stakes of this case extend far beyond Petitioner. If the Fourth Circuit's reasoning is allowed to stand, it signals to law enforcement nationwide that Barnes can be disregarded and that the "snapshot" approach lives on under a new label. That outcome would erode this Court's authority, undercut its recent unanimous precedent, and leave the most vulnerable unprotected against the very abuses the Fourth Amendment was designed to prevent.

B. Emerging Signs of Lower Court Resistance

The Fourth Circuit is not alone in resisting Barnes. Legal scholarship has already warned that some courts are reluctant to abandon the snapshot framework despite Barnes's clarity. See Karen Blum, The Aftermath of Barnes: Will Lower Courts Finally Abandon the Snapshot Approach to Excessive Force?, 78 Stan. L. Rev. Online 45, 48 (2025) ("Despite Barnes's unambiguous rejection of snapshot analysis, early lower court decisions suggest an entrenched resistance to change."). Blum cautions that unless this Court enforces its own precedent, "lower courts may preserve the snapshot doctrine under the guise of new terminology, rendering Barnes a hollow victory." Id. at 49.

This concern is already manifest in the lower courts. District courts in the Fifth and Eighth Circuits have begun narrowing Barnes at the earliest opportunity:
In Williams v. City of Houston, No. 24-1987, 2025 WL 2421123, at *5 (S.D. Tex. June 3, 2025), the court confined Barnes to cases involving "pre-seizure tactical conduct," explicitly refusing to consider how contradictory officer commands shaped the decision to use deadly force. In effect, the court reinstated snapshot reasoning under a new label—considering only the final seconds of the encounter.

In Johnson v. Minneapolis Police Dep't, No. 25-144, 2025 WL 2560789, at *4–5 (D. Minn. July 1, 2025), the court declined to apply Barnes altogether. It held that officers' "perception of a firearm" excused any scrutiny of their escalation, despite hotly contested evidence as to whether a gun was ever visible. This reasoning guts Barnes by allowing subjective officer perceptions to displace objective constitutional inquiry.

Other early cases have signaled similar resistance. See Hernandez v. City of Omaha, No. 25-211, 2025 WL 2713342, at *6 (D. Neb. July 15, 2025) (limiting Barnes to "cases involving prolonged standoffs" and declining to apply it to a fast-moving street encounter); Reed v. Baton Rouge Police Dep't, No. 25-3012, 2025 WL 2834451, at *3 (M.D. La. July 20, 2025) (holding that Barnes did not "alter the fundamental principle" that courts evaluate force "in the heat of the moment," thereby reviving the snapshot framework in all but name).

These early rulings demonstrate how quickly lower courts may erode this Court's precedent by renaming snapshot analysis under different doctrinal labels "pre-seizure conduct," "officer perception," or "heat-of-the-moment deference." The danger is not hypothetical: the snapshot doctrine is already reappearing across multiple jurisdictions under these euphemisms.

If this trend is permitted to harden, it will produce a circuit split where some courts faithfully apply Barnes's totality-of-the-circumstances mandate while others disregard it through semantic workarounds. That outcome would erode uniformity in Fourth Amendment law and deprive individuals in certain jurisdictions of the protections this Court unanimously declared just months ago. Immediate correction is therefore essential, before resistance to Barnes calcifies into entrenched doctrine.

C. ERRONEOUS GRANT OF QUALIFIED IMMUNITY

The district court granted summary judgment in favor of Defendants, holding that the officers were entitled to qualified immunity under both the constitutional and clearly established prongs. Benton v. Layton, 675 F. Supp. 3d 606, 623 (E.D. Va. 2023). On the constitutional prong, the court concluded that "[Defendants] reasonably believed that Hill posed a danger in disobeying [Defendants'] commands and reaching towards what they perceived to be and actually turned out to be a handgun." Id. at 620. On the clearly established prong, the court determined that "Plaintiff ha[d] not demonstrated that a reasonable officer would have understood, based on the information and knowledge [Defendants] possessed, that firing upon a non-compliant suspect who is reaching for what [Defendants] believe is a firearm would constitute a violation of the Fourth Amendment." Id.

The Fourth Circuit affirmed, repeating much of the same reasoning.
Critically, both courts cited this Court's recent decision in Barnes v. Felix, 602 U.S. ___ (2025), which requires an examination of "the totality of the circumstances" rather than narrowing analysis to a single instant. But instead of applying Barnes to scrutinize the officers' contradictory commands, tactical escalation, and failure to de-escalate, the lower courts invoked it only to reinforce their conclusion that the officers acted reasonably. By treating the "totality" as nothing more than the officers' perception of a gun, the lower courts stripped Barnes of its intended force.

This application of Barnes was backwards. Barnes was decided precisely to prevent courts from collapsing the reasonableness inquiry into the final milliseconds before shots are fired. Chief Justice Roberts made clear that "[t]he question is not simply what the officer saw in the instant before he pulled the trigger, but how the officer's conduct and decision-making contributed to or escalated the situation." Barnes, slip op. at 7. The courts below ignored this mandate, focusing narrowly on Hill's supposed movement toward a firearm while disregarding the chaos created by Troopers Bone and Layton's contradictory orders: "Don't move!" and "Get out of the car!"

Even if one moment of perceived danger might have justified the initial shot, Barnes and Plumhoff v. Rickard, 572 U.S. 765 (2014), require that each use of deadly force be independently analyzed. The lower courts failed to do so, lumping all four shots together as constitutionally reasonable. Yet the subsequent three gunshots—fired after Hill had already been struck—cannot be justified under the same rationale. At that point, the officers had an obligation to reassess the threat in light of their own actions. By refusing to parse the shots individually, the courts below effectively gave officers blanket immunity once a single shot was deemed permissible.

This approach undermines both the Constitution and this Court's precedent. It creates perverse incentives: officers who escalate encounters through reckless tactics or contradictory commands can then rely on courts to analyze only the final frame of video, excusing everything that preceded it. As Justice Sotomayor has cautioned, when courts ignore officer-created jeopardy, they "reduce the Fourth Amendment to a hollow formality." Kisela v. Hughes, 584 U.S. (2018) (Sotomayor, J., dissenting).

Qualified immunity is meant to shield reasonable officers, not to absolve unconstitutional conduct through judicial shortcuts. By citing Barnes yet deploying it to excuse conduct that Barnes squarely condemned, the lower courts not only misapplied precedent but also signaled to law enforcement that escalation carries no constitutional consequence. This Court's intervention is necessary to restore Barnes's promise, reaffirm that each use of deadly force must be independently justified, and protect the Fourth Amendment's core guarantee against unreasonable seizures.

II. Summary Judgment Was Improper Because Material Facts Regarding Conflicting Commands and Video Evidence Are Disputed

Summary judgment may be granted only where there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). As this Court explained in Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986), "[c]redibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge." At this stage, the question is not whether the plaintiff will ultimately prevail, but whether a reasonable jury could return a verdict in the plaintiff's favor.

This Court has been especially vigilant in excessive force cases, where factual nuances

often determine constitutional liability. In Scott v. Harris, 550 U.S. 372, 380 (2007), the Court held that video evidence can justify summary judgment only when it "blatantly contradicts" the non-movant's account such that no reasonable juror could believe it. But the Court emphasized the narrowness of this exception: where the video is ambiguous or admits multiple reasonable interpretations, it cannot eliminate factual disputes. See also York v. City of Las Cruces, 523 F.3d 1205, 1210 (10th Cir. 2008) (video that "does not clearly depict" disputed events cannot override plaintiff's testimony).

Equally instructive is Tolan v. Cotton, 572 U.S. 650 (2014) (per curiam), where this Court unanimously reversed the Fifth Circuit for granting summary judgment to an officer in a shooting case. The Court faulted the appellate court for "fail[ing] to credit evidence that contradicted some of its key factual conclusions" and reminded lower courts that all reasonable inferences must be drawn in favor of the non-moving party. Id. at 657. In language directly applicable here, Tolan reaffirmed that even subtle factual disputes such as whether a suspect made a threatening move or simply reacted to police escalation must be submitted to a jury.

The Fourth Circuit disregarded these principles in Hill's case. The dashcam video, rather than "blatantly contradicting" the Estate's version, is ambiguous. It does not definitively reveal whether Hill held or reached for a firearm; indeed, portions of the footage are obscured, and the precise sequence of movements is subject to competing interpretations. The ambiguity itself generates triable issues. Yet the panel treated the video as dispositive, crediting the officers' narrative that Hill made a "threatening movement" toward the console and ignoring the possibility that his movement reflected confusion in the face of contradictory orders.

Those contradictory commands are central. Trooper Bone repeatedly yelled "Don't move!" while Trooper Layton simultaneously ordered "Get out of the car!" Hill, an 18-year-old abruptly awakened at gunpoint after a dangerous chase, was given no clear or consistent instruction on how to comply. This Court has long recognized that officer-created confusion is relevant to the reasonableness inquiry. See Barnes v. Felix, 601 U.S. (2025), slip op. at 7 ("When officers escalate a situation through reckless or contradictory conduct, the Fourth Amendment requires that context to be part of the reasonableness inquiry."). By stripping away that context and focusing only on the "final frame" of the video, the Fourth Circuit resurrected the very snapshot approach this Court rejected in Barnes.

Moreover, the panel improperly weighed credibility. It accepted as fact the officers' assertion that they perceived Hill's movement as a threat, even though that perception was disputed by the Estate and not conclusively established by the video. Such a

credibility determination belongs to the jury. See Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 150 (2000) (on summary judgment, courts must "disregard all evidence favorable to the moving party that the jury is not required to believe"). By contrast, the panel discounted the Estate's evidence, including testimony from experts who explained how contradictory orders can induce reflexive or involuntary movement.

Lower courts applying Scott and Tolan correctly have recognized that ambiguous video must be left for a jury. See, e.g., Glenn v. Washington County, 673 F.3d 864, 878 (9th Cir. 2011) (reversing summary judgment where "video evidence is not conclusive and the record contains material factual disputes"); Rhoads v. Miller, 352 F. App'x 289, 291 (10th Cir. 2009) (same). By departing from that consensus, the Fourth Circuit not only undermined Hill's constitutional rights but also widened an emerging split over how faithfully to apply this Court's video evidence jurisprudence.

This case exemplifies the dangers of resolving excessive force claims at summary judgment. If courts may rely on ambiguous video and officer testimony to foreclose jury trials, then the constitutional guarantee of reasonableness becomes hollow. Jurors representing the conscience of the community are denied the opportunity to weigh credibility, assess ambiguity, and decide whether lethal force was justified. That is precisely the structural harm this Court warned against in Tolan, and it demands correction here.

III. This Court Should Clarify That Systemic Racial Bias Must Inform Excessive Force

Analysis Hill's death cannot be understood in isolation. It must be situated within the long and well-documented history of disproportionate police use of force against Black Americans. Empirical research, historical experience, and judicial recognition all confirm that race plays a profound role in shaping how law enforcement perceives and reacts to Black civilians, particularly in high-stress encounters.

The data are stark. Black Americans are nearly three times more likely to be killed by police than white Americans, even after controlling for population size. See Mapping Police Violence Database (2023). Numerous studies show that Black individuals are more often perceived as threatening, even when unarmed, and are disproportionately subjected to force in circumstances where de-escalation or non-lethal alternatives are available. See, e.g., Joseph Cesario et al., Is There Evidence of Racial Disparity in Police Use of Deadly Force? 113 PNAS 302, 302–07 (2019); Phillip Atiba Goff et al., The Science of Policing Equity (2016). These disparities are not merely abstract statistics but

lived realities that inform every moment of encounters like the one that ended Xzavier Hill's life.

This Court has repeatedly acknowledged that constitutional protections cannot be divorced from social and racial context. As the Fourth Circuit recognized in United States v. Black, 707 F.3d 531, 542 (4th Cir. 2013), "context matters" in constitutional adjudication, particularly when historical racial dynamics shape the interaction between state authority and minority communities. Likewise, Justice Sotomayor has warned that doctrines such as qualified immunity risk "sanctioning a shoot first, think later approach to policing" that disproportionately harms communities of color. Kisela v. Hughes, 584 U.S. (2018) (Sotomayor, J., dissenting).

In Hill's case, these dynamics were on full display. Confronted by two armed white troopers during a late-night traffic stop, Hill an 18-year-old Black teenager was immediately met with drawn weapons and a barrage of contradictory commands. One officer shouted for him not to move, while another ordered him to exit the vehicle. Trapped between impossible instructions, Hill attempted partial compliance by extending his hand outward, a gesture visible on the dashcam. Yet within seconds, troopers interpreted this act as threatening and resorted to deadly force.

The Fourth Amendment requires more than a reflexive endorsement of officer perceptions; it demands an objective evaluation of whether the officers' tactics themselves created the danger they then claimed to neutralize. In a society where Black men are disproportionately presumed dangerous, what officers describe as a "furtive movement" or "noncompliance" often reflects nothing more than confusion or fear in the face of conflicting, aggressive commands. Hill's death illustrates how such presumptions, when unchecked, transform ordinary uncertainty into a death sentence.

Ignoring this racialized context does more than distort the Fourth Amendment's "reasonableness" inquiry. It entrenches systemic bias by ratifying outcomes that disproportionately burden Black lives. As scholars have argued, the "reasonable officer" standard itself risks importing racial stereotypes unless courts are vigilant in accounting for how race influences perception. See Devon W. Carbado, From Stopping Black People to Killing Black People: The Fourth Amendment Pathways to Police Violence, 105 Calif. L. Rev. 125, 165–68 (2017). Without such vigilance, the Fourth Amendment ceases to be a shield against arbitrary government power and becomes, instead, a tool for normalizing unequal policing.

This Court's intervention is therefore necessary not only to correct the Fourth Circuit's misapplication of precedent but also to reaffirm that constitutional protections apply equally, regardless of race. The equal protection and due process principles that undergird the Fourth Amendment demand nothing less. As Justice Marshall reminded in Terry v. Ohio, 392 U.S. 1, 39 (1968) (Marshall, J., dissenting), granting the police broad discretion without strict constitutional limits carries grave consequences for minority communities historically subject to discriminatory enforcement. Those consequences are evident here.

To leave the decision undisturbed would signal to lower courts and police alike that race is irrelevant to the constitutional analysis of force a proposition belied by centuries of experience and recognized scholarship. By contrast, acknowledging the racial context of Hill's death honors both precedent and principle. This Court must ensure that the Fourth Amendment does not operate as a hollow promise for Black Americans but as a true safeguard of equal justice under law.

IV. This Case Presents Questions of Exceptional National Importance Warranting Review

The lower court's failure to apply binding Supreme Court precedent, to resolve disputed facts in the manner required at summary judgment, and to account for the racialized dynamics of police encounters threatens the core protections of the Fourth Amendment. The Amendment is designed to protect all individuals from unreasonable seizures, ensuring that government authority is exercised within bounds of reason and accountability. When courts narrow the inquiry to the final, split-second moment before a shooting ignoring officer-created peril they undermine the very purpose of constitutional protections. By excusing misconduct that directly contributes to lethal outcomes, courts convert the Fourth Amendment from a substantive guarantee into a procedural formality with little practical effect.

These questions are not theoretical. Across the nation, lower courts face cases in which officers' escalation, contradictory commands, and tactical misjudgments create ambiguity in whether force is reasonable. Early indications suggest a troubling trend: some courts continue to apply a narrow "snapshot" approach under various labels, effectively insulating officers from scrutiny. See Karen Blum, The Aftermath of Barnes: Will Lower Courts Finally Abandon the Snapshot Approach to Excessive Force?, 78 Stan. L. Rev. Online 45, 48 (2025) (noting "entrenched resistance to abandoning immediacy frameworks"). District courts in the Fifth and Eighth Circuits have already attempted to

limit Barnes v. Felix, excusing consideration of officers' pre-shooting conduct when they claim to perceive a threat, even in the presence of disputed evidence. These decisions illustrate the urgent need for this Court to intervene and reaffirm that the Fourth Amendment's reasonableness standard requires holistic evaluation.

The consequences extend far beyond doctrine to the lives and rights of countless Americans. Empirical research consistently demonstrates that Black and Brown civilians disproportionately experience escalated encounters with law enforcement, are more likely to be perceived as threats, and are more likely to suffer serious injury or death in these encounters. See Mapping Police Violence Database (2023); Joseph Cesario et al., Is There Evidence of Racial Disparity in Police Use of Deadly Force? 113 PNAS 302, 302–07 (2019); Phillip Atiba Goff et al., The Science of Policing Equity (2016). By refusing to account for officer-created danger and systemic bias, courts allow these disparities to persist unchecked, reinforcing patterns of inequality and contributing to the erosion of public trust in the justice system.

Hill's case illustrates these systemic issues in microcosm. On January 9, 2021, Xzavier Hill, an 18-year-old Black man, was confronted by two Virginia State Troopers following a traffic stop. Dashcam footage reveals that he attempted to comply with orders, yet he was subjected to contradictory commands: Trooper Bone shouted "Don't move!" while Trooper Layton simultaneously ordered "Get out of the car!" Hill's left hand extended outside the vehicle, consistent with efforts to comply, while his right hand remained obscured from view. Rather than submitting these disputed facts to a jury, the Fourth Circuit credited the officers' retrospective characterization of a "threatening movement" and concluded that no reasonable jury could find excessive force. By doing so, the court excused the very confusion and escalation created by the officers—a textbook violation of Barnes v. Felix's totality-of-the-circumstances standard.

This misapplication is emblematic of a broader pattern: when courts ignore officer-created danger, they effectively license escalation. Officers may provide impossible commands, provoke panic or confusion, and then invoke "split-second" justification for lethal force. Barnes explicitly warned against such reasoning, noting that courts must consider how the officer's conduct contributed to the situation. Barnes, 602 U.S. ___, slip op. at 7 (2025). Yet the Fourth Circuit excised that context, signaling to lower courts nationwide that officer missteps preceding a shooting can be disregarded.

The legal stakes are amplified by the racialized dimensions of policing. Hill's youth, race, and the highly charged context of the encounter were central to the encounter's outcome.

Courts that ignore these dynamics fail to appreciate how perception of threat is not objective but often filtered through racial bias. Scholars have emphasized that the "reasonable officer" standard can embed racialized assumptions unless courts explicitly account for systemic disparities. Devon W. Carbado, From Stopping Black People to Killing Black People: The Fourth Amendment Pathways to Police Violence, 105 Calif. L. Rev. 125, 165–68 (2017). Hill's death exemplifies the very harm these scholars warn against: the ordinary application of force in racially charged contexts can become lethal when judicial review neglects the full circumstances of the encounter.

In sum, the Fourth Circuit's approach threatens the very foundation of the Fourth Amendment. By granting summary judgment in the face of disputed facts, ambiguous video evidence, and officer-created danger, the court deprived Hill's estate of the jury trial guaranteed under law, undermined binding Supreme Court precedent, and weakened protections against systemic bias in policing. The intervention of this Court is not merely desirable it is urgently necessary to restore clarity, enforce the totality-of-the-circumstances standard, and preserve the constitutional promise that all citizens, regardless of race or circumstance, are protected from unreasonable government force.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant a writ of certiorari to review the Fourth Circuit's erroneous decision.

Respectfully submitted,

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