

No. 26-

IN THE
Supreme Court of the United States

NYRA JEAN MILLER-FIELDS, BOTH IN HER
INDIVIDUAL CAPACITY AND AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
RICKY COBB, II,

Petitioner,

v.

RYAN LONDREGAN AND BRETT SEIDE,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Precedent teaches that when a court considers a motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure, it should “accept as true the factual allegations in . . . [the] complaint.” *Ashcroft v. al-Kidd*, 563 U.S. 731, 734, 131 S. Ct. 2074, 2079, 179 L. Ed. 2d 1149 (2011).

With law enforcement agencies’ widespread adoption of body-worn cameras, federal courts have increasingly grappled with an additional question in dealing with motions to dismiss because of qualified immunity: What effect do those videos have on the requirement that federal courts accept as true the allegations of a complaint?

Drawing on precedent from this Court, the courts of appeal have largely concluded that these videos can be considered to the extent that they “blatantly contradict” the facts pled by the complaint. However, there appear to be differences about how courts should interpret this standard. The question presented by this case squarely addresses that issue:

Under what circumstances should a court consider video in a Rule 12(b)(6) motion based on qualified immunity, and what standards should a federal court use to evaluate whether a video “blatantly contradicts” the facts alleged in a complaint?

PARTIES TO THE PROCEEDING

Nyra Jean Miller-Fields is Petitioner, both in her individual capacity and as personal representative of the Estate of Ricky Cobb, II. She was Plaintiff in the original action and Plaintiff-Appellant before the Eighth Circuit.

Respondents are Ryan Londregan and Brett Seide. They were Defendants in the original action and Defendant-Appellees before the Eighth Circuit.

RELATED PROCEEDINGS

Nyra Jean Miller-Fields, Individually and as Personal Representative of the Estate of Ricky Cobb, II v. Ryan Londregan and Brett Seide, No. 24-1372, United States District Court for the District of Minnesota. Decisions Filed October 30, 2024, and January 21, 2025. Judgment Entered January 22, 2025.

Nyra Jean Miller-Fields, Individually and as Personal Representative of the Estate of Ricky Cobb, II v. Ryan Londregan and Brett Seide, No. 24-3412, U.S. Court of Appeals for the Eighth Circuit, Judgment Entered July 7, 2026.

Nyra Jean Miller-Fields, Individually and as Personal Representative of the Estate of Ricky Cobb, II v. Brett Seide and Ryan Londregan, No. 25-1170, U.S. Court of Appeals for the Eighth Circuit, Judgment Entered July 7, 2026.

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OPINIONS BELOW

The decision in this matter by the United States Court of Appeals for the Eighth Circuit (App. 1a–12a) has been published at 180 F.4th 1152 (8th Cir. 2026). The decision by the United States District Court for the District of Minnesota as to Defendant Londregan (App. 41a–65a) is published at 755 F. Supp. 3d 1122 (D. Minn. 2024). The decision by the District Court as to Defendant Seide (App. 13a–40a) is available at 2025 U.S. Dist. LEXIS 25751.

JURISDICTION

This petition arises out of a decision by the Eighth Circuit in a consolidated appeal filed on July 7, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1) (providing for Supreme Court review of appeals from circuit court decisions by writ of certiorari).

STATUTORY PROVISIONS

The case below was brought under 42 U.S.C. § 1983, which provides:

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 in an action at law, suit in equity, or other proper proceeding for redress, except

that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Additionally, as relevant to this appeal, the parties may discuss Minn. Stat. § 518B.01, subdiv. 14(e).

A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision, includes the short-form order described in subdivision 8a. When the order

is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

Minn. Stat. Ann. § 518B.01 subdiv. 14(e) (LexisNexis).

INTRODUCTION

Ricky Cobb II was pulled over by Minnesota state troopers in the early morning hours of July 31, 2023, for driving at night without his headlights on. Within thirty minutes, Cobb was lying on the side of the Interstate with two gunshot wounds to his torso as the troopers administered CPR.

The personal representative of Cobb's estate, Nyra Jean Miller-Fields, filed suit under 42 U.S.C. § 1983, alleging generally that the troopers unlawfully seized Cobb and used excessive force against him. The two troopers named as defendants—Ryan Londregan and Brett Seide—filed motions to dismiss the complaint based on qualified immunity. In their motions, Londregan and

Seide relied on video from police dash and body-worn cameras that had been produced as part of an abandoned criminal prosecution against Londregan. Also relying on those videos, and the ways in which they purportedly contradicted the complaint, the District Court granted the motions to dismiss.

Miller-Fields appealed to the United States Court of Appeals for the Eighth Circuit. She argued that the court had improperly considered the video when it did not directly contradict the facts as alleged in her complaint. The Eighth Circuit, like the District Court before it, relied on both the videos and inferences from the videos *in favor of the defendants* when affirming the dismissal of the complaint.

That error trapped Miller-Fields in a position where Londregan and Seide were allowed to use evidence outside of the four corners of the complaint before discovery had begun—in other words, before she could find (much less introduce) evidence supporting her theories on equal footing.

The situation is not unique to Petitioner. In recent years, federal courts have begun to rely on body-worn cameras and similar technology to evaluate whether a complaint against law enforcement should be dismissed because of qualified immunity. But they are doing so without sufficient guidance from this Court. As a result, plaintiffs already confronting the intentionally high hurdle of qualified immunity must overcome a motion to dismiss on that ground not because of their failure to lay out facts that would represent a civil rights violation, but because of subjective judgments about the meaning of selective pre-discovery evidence outside of the pleadings.

This Court should take this opportunity to clarify whether the consideration of this evidence at the motion to dismiss stage is appropriate, and if so, the standards for considering whether video from a body-worn camera or similar source “blatantly contradicts” a complaint’s well-pled allegations. Having done that, this Court should then reverse the errant decision of the Eighth Circuit.

STATEMENT OF THE CASE

Legal Background

This case centers on a particular application of the doctrine of qualified immunity. As this Court has recognized, the purpose of qualified immunity is to “balance[] two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.” *Pearson v. Callahan*, 555 U.S. 223, 231, 129 S. Ct. 808, 815, 172 L. Ed. 2d 565 (2009). To that end, in order to overcome a motion to dismiss grounded in qualified immunity, a plaintiff’s complaint must include facts allowing a court to determine “(1) that the official violated a statutory or constitutional right, and (2) that the right was ‘clearly established’ at the time of the challenged conduct.” *Ashcroft v. al-Kidd*, 563 U.S. 731, 735, 131 S. Ct. 2074, 2080, 179 L. Ed. 2d 1149 (2011) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 2738, 73 L. Ed. 2d 396 (1982)).

When faced with a question of qualified immunity, a court should act quickly if it can. *See Pearson*, 555 U.S. at 232, 129 S. Ct. at 815 (“[W]e repeatedly have stressed the importance of resolving immunity questions at the earliest

possible stage in litigation.” (quoting *Hunter v. Bryant*, 502 U.S. 224, 227, 112 S. Ct. 534, 536, 116 L. Ed. 2d 589 (1991) (per curiam))). “Because qualified immunity is ‘an immunity from suit rather than a mere defense to liability . . . it is effectively lost if a case is erroneously permitted to go to trial.’ “ *Id.* at 231, 129 S. Ct. at 815, 172 L. Ed. 2d 565 (quoting *Mitchell v. Forsyth*, 472 U.S. 511, 526, 105 S. Ct. 2806, 2816, 86 L. Ed. 2d 411 (1985)). Weeding out unwarranted claims before discovery fulfills “the ‘driving force’ behind creation of the qualified immunity doctrine.” *Id.* (quoting *Anderson v. Creighton*, 483 U.S. 635, 640 n.2, 107 S. Ct. 3034, 3039 n.2, 97 L. Ed. 2d 523 (1987)).

Petitioner does not challenge the goals of the qualified immunity doctrine, or whether it may—as a general matter—be applied on a Rule 12 motion. Petitioner instead argues that the Eighth Circuit improperly considered evidence outside of the pleadings in reaching that conclusion. The consideration of that evidence tipped the scales against her at a stage of the litigation where her well-pled allegations are assumed to be true.

Factual Background and Procedural History

“When evaluating whether a plaintiff has stated a claim, the court cannot consider ‘matters outside the pleadings.’ Rule 12(d). The court instead asks only whether the complaint’s factual allegations, if taken as true, ‘state a claim to relief that is plausible on its face.’ “ *Berk v. Choy*, 607 U.S. 187, 193, 146 S. Ct. 546, 553, 223 L. Ed. 2d 463 (2026) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 167 L. Ed. 2d (2007)).

The issue for a court to consider at the motion to dismiss stage is whether, assuming they are true, the facts

that a plaintiff alleges amount to a valid legal claim. The Eighth Circuit and the District Court were required to consider those facts when making their determinations.

However, because the videos were considered, Petitioner will discuss the contents of the videos that Respondents attempted to add to the record. This is not a concession that the videos should have been considered; instead, it is to demonstrate that the recordings do not “blatantly contradict” the factual allegations in the complaint, and for that reason, should not have been considered at all.

A little before 2:00 a.m. on July 31, 2023, Minnesota State Patrol Trooper Brett Seide conducted a traffic stop on I-94 in Minneapolis. Pet. Compl. 2–3. Seide stopped the Ford Fusion because, allegedly, the headlights were not on in the predawn darkness. *Id.* The driver of the car was Ricky Cobb II, Petitioner’s brother. *Id.* at 2.

As he pulled Cobb over, Seide’s computer alerted him that Cobb may be wanted for allegedly violating an order for protection (OFP) in Ramsey County. *Id.* at 3. Seide told Trooper Ryan Londregan that Cobb was wanted for the violation of a protective order. *Id.*

After initially speaking to Cobb, Seide returned to his squad car. He later discussed the situation with another trooper, identified as John Doe in the complaint and now believed to be Trooper Erickson. *Id.* at 2. Here, the video adds context that does not contradict the complaint: Erickson stood by the passenger window of Seide’s squad car as Seide said that he was “just sitting here buying time.” Seide Video, Timestamp 1:58:59–1:59:01. Seide audibly reads the alert off his in-car computer, which

indicated that Cobb was “wanted for felony OFP violation,” and that any law enforcement officers who located Cobb should contact the Ramsey County Sheriff’s Office. *Id.* at 1:59:04–1:59:26. According to the video, Seide radioed dispatch and asked them to contact Ramsey County. Erickson Video, Timestamp 2:02:05–2:02:14.

As shown in the video, Seide and Erickson continued to wait. The two discussed the protective order violation; Erickson pointed out he believed they only had “seventy-two hours on an HRO violation,” and Seide responded, “it directly says, duration seventy-two hours.” Seide Video, Timestamp 2:07:00–2:07:06. Seide then asked Erickson if they should go ahead and arrest Cobb, then agreed with Erickson replied that they did not want to engage in a use of force situation in the event Ramsey County no longer wanted him. *Id.* at 2:09:36–2:09:54. At that point, Seide observed that Cobb would likely be getting suspicious about the length of the stop; he asked Erickson to go chat with Cobb. *Id.* at 2:09:56–2:10:51. For its part, the complaint specifically alleged that Doe—that is, Erickson—was “engaging in a conversation with Decedent Cobb” when Londregan arrived. Pet. Compl. 2.

The complaint alleged—and the video appears to confirm—that Londregan reached the scene around 2:11 a.m. *Id.* at 2; Seide Video, Timestamp 2:11:45–2:11:51. Seide told him there was a felony OFP violation for Cobb; the video records Seide remarking that Cobb was “sketchy.” Pet. Compl. 3; Seide Video, Timestamp 2:11:56–2:12:08. The video, again, adds information that supplements rather than contradicts the complaint: Londregan asked if Cobb knew he was subject to an OFP; Seide suggests he might not. *Id.* at 2:12:13–2:12:29. Seide explained that he

was waiting for a call from Ramsey County and that he did not want to arrest or use force until he heard from them. *Id.* at 2:12:32–2:12:58. The complaint noted that Seide and Londregan “waited for officials from Ramsey County to confirm they wanted Decedent Cobb arrested[.]” Pet. Compl. 3.

The video records Seide receiving a call, though nothing on the video indicates who placed the call or what they are saying. Seide Video, Timestamp 2:12:53. After listening to the caller speak for nearly a full minute, Seide said, “We’re going to go ahead and get him arrested.” *Id.* at 2 2:13:01–2:13:52. The complaint alleged that Seide “told Trooper Doe and Defendant Londregan that Ramsey County wanted Decedent Cobb arrested and brought to jail.” Pet. Compl. 3.

As alleged by the complaint, Seide approached the driver side of Cobb’s vehicle while Londregan approached the passenger side, and Erickson positioned himself near the rear. *Id.* at 3. Seide asked Cobb to step out of the vehicle. During the verbal dispute that followed, Cobb asked if there was a warrant for his arrest. *Id.* at 4. Seide confirmed there was not. *Id.* Throughout their conversation, Cobb’s hands were in the air in full view of the troopers, and his vehicle remained in park. *Id.* Seide then told Cobb that the troopers were “now” conducting a lawful arrest. *Id.*

With Londregan opening the passenger-side door of Cobb’s vehicle, Seide opened the driver-side door—something both alleged in the complaint and shown by the video. *Id.* at 5; Seide Video, Timestamp 2:16:59–2:17:00. In response, Cobb placed his foot on the brake and shifted the

vehicle into drive, as alleged by the complaint.¹ Pet. Compl. 5; Seide Video, Timestamp 2:16:59–2:17:03; Londregan Video, Timestamp 2:16:59–2:17:03. Cobb’s vehicle moved slightly forward but he immediately stepped on the brake again, stopping the vehicle’s movement. Pet. Compl. 5; Erickson Video, Timestamp 2:17:00–2:17:03. Seide leaned over Cobb. Pet. Compl. 5; Erickson Video, Timestamp 2:17:00–2:17:03. Londregan pulled his firearm and pointed it at Cobb, screaming, “Get out of the car now!” Pet. Compl. at 5; Londregan Video, Timestamp 2:17:01–2:17:04.

Within a fraction of a second after Londregan ordered Cobb out of the car, he fired his handgun twice at Cobb’s torso. Pet. Compl. 6; Londregan Video, Timestamp 2:17:03–2:17:05.

Around this time, the vehicle began moving again. Pet. Compl. 6; Erickson Video, Timestamp 2:17:04–2:17:08. Seide and Londregan fell away from the car as it accelerated. Pet. Compl. 6; Erickson Video, Timestamp 2:17:04–2:17:08. Cobb’s vehicle eventually rolled back onto I-94 and continued forward, a fact recorded by the video and alleged in the complaint. Pet. Compl. 6; Seide Video, Timestamp 2:17:06–2:17:16. Londregan and Seide returned to their squad cars and drove after Cobb’s vehicle, which had traveled a quarter mile down the road and appeared to be rolling to a stop into the concrete median. Pet. Compl. 6; Seide Dash Camera, Timestamp 2:17:17–2:18:07. Both troopers drove their squad cars into

1. The complaint is less clear about the sequence of events than the video, but not to an extent that makes the two blatantly contradictory. Again, the video adds context, which is not, to Petitioner’s knowledge, an acknowledged exception to the limitations on what a court may consider on a motion to dismiss.

the stopped vehicle. Pet. Compl. 6; Seide Dash Camera, Timestamp 2:18:04–2:18:09.² EMS pronounced Cobb dead at the scene, and the two gunshot wounds passing through Cobb’s torso were fired by Londregan. Pet Compl. 6–7.

On April 17, 2024, Petitioner filed a complaint in the United States District Court for the District of Minnesota, alleging § 1983 claims against Troopers Londregan and Seide for unlawful seizure and excessive force. The § 1983 claims served as the basis for federal jurisdiction over the case, pursuant to 28 U.S.C. § 1331, which provides that “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. On May 24, 2024, Londregan filed a motion to dismiss the civil case against him because, he alleged, he was entitled to qualified immunity. Londregan Mot. to Dismiss. Londregan’s motion was supported in large part by information from the videos. Londregan Memorandum 2–8.³ On July 11, 2024, Seide likewise filed a motion to dismiss based on qualified immunity and frequently referencing the video. Seide Mot. to Dismiss; Seide Memorandum 2–6.

An order dismissing all claims against Londregan was entered on October 30, 2024. App. 41a–65a. An

2. The complaint only alleged that Seide collided with Cobb.

3. Petitioner argued below that the videos should have been excluded from the record because a subpoena filed by the troopers related to the materials took place before a Fed. R. Civ. P. 26(f) conference was held. See Fed. R. Civ. P. 26(d)(1) (providing that “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f),” with some exceptions not relevant to this matter. The Eighth Circuit ruled that “her argument is without merit.” App. 3a.

order dismissing all claims against Seide was entered on January 21, 2025. App. 13a–40a. On consolidated appeal, the Eighth Circuit filed its opinion in the current case on July 7, 2025, affirming the decision of the District Court. App. 1a–12a. Like the District Court, the Eighth Circuit considered the video evidence submitted by the troopers, saying it would “accept the complaint’s factual allegations and view them in the light most favorable to Petitioner, except where the videos ‘disprove [Miller-Fields’s] account of events.’” App. 3a (quoting *Young v. Keyes*, 176 F.4th 573, 577 (8th Cir. 2026)). The court entered its mandate on July 30, 2026. This petition for writ of certiorari follows.⁴

REASONS FOR GRANTING THE WRIT

I. The Question Presented Is Frequently Recurring And Important, Because The Increasing Use Of Video By Police Will Require Circuit Courts To Face This Situation More Often.

Certiorari should be granted so that this Court can provide guidance on how best to meld, on one hand, the requirement that courts generally consider only the factual allegations of the pleadings when deciding Rule 12 motions to dismiss, and on the other, the increasing availability of video from law enforcement sources. Specifically, this petition concerns whether recordings from body-worn

4. This Court may consider the petition despite the Eighth Circuit issuing the mandate. *See Carr v. Zaja*, 283 U.S. 52, 53, 51 S. Ct. 360, 75 L. Ed. 836 (1931) (“It is objected that the mandate of the Circuit Court of Appeals was not stayed, but was issued to the District Court and spread upon its records and that therefore the case is finished. But that does not defeat the jurisdiction of this Court.”).

cameras and other law enforcement systems should be used when considering motions to dismiss for qualified immunity, and how courts should evaluate those videos in light of a well-pled complaint.

It is hornbook law that when considering a motion to dismiss, a court “must accept as true all the factual allegations in the complaint.” *Leatherman v. Tarrant Cty. Narcotics Intelligence & Coordination Unit*, 507 U.S. 163, 164, 113 S. Ct. 1160, 1161, 122 L. Ed. 2d 517 (1993). Courts may consider other evidence, for example, “documents incorporated into the complaint by reference, and matters of which a court may take judicial notice.” *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322, 127 S. Ct. 2499, 2509, 168 L. Ed. 2d 179 (2007) (dealing with scienter for certain claims under federal securities law).

Otherwise, though, the federal rule is clear: “If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56.” Fed. R. Civ. P. 12(d). And this is not an empty, formalistic step, because a party has a fairer opportunity to marshal evidence opposing the motion when it has been converted to one for summary judgment. *See id.* (“All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.”).

When it comes to uncontested video evidence regarding the allegations in a complaint, Petitioner concedes that the circuits have largely agreed on the same rule, at least until recently. But the way in which they interpret a key phrase in that rule—“blatantly

contradicts”—can significantly influence how a court rules on a motion to dismiss qualified immunity.

In the current case, the Eighth Circuit summarized the rule this way: “When video evidence is ‘embraced by the complaint’ and its authenticity is not challenged, we may consider it so far as it ‘blatantly contradict[s]’ the alleged facts.” App. 2a–3a (quoting *Young v. Keyes*, 176 F.4th 573, 577 (8th Cir. 2026)).

Other circuit courts have adopted similar rules for the use of police video footage in cases like this one. *See, e.g., Doriety v. Sletten*, 109 F.4th 670, 679–80 (4th Cir. 2024) (“[A] district court can consider a video submitted at the motion to dismiss stage when (1) the video is ‘integral’ to the complaint and its authenticity is not challenged, but (2) only to the extent that the video ‘clearly depicts a set of facts contrary to those alleged in the complaint,’ or ‘blatantly contradicts’ the plaintiff’s allegations, rendering the plaintiff’s allegations implausible.” (quoting *Saalim v. Walmart, Inc.*, 97 F.4th 995, 1002 (6th Cir. 2024) (considering judgment on the pleadings))) (collecting cases); *Jackson v. City of Atlanta*, 97 F.4th 1343, 1350 (11th Cir. 2024) (“Extrinsic material that is referred to in the operative complaint and attached to a motion to dismiss may be considered by the court at the pleading stage if the attached material [is] ‘(1) central to the plaintiff’s claim’ and (2) ‘the authenticity of the document is not challenged.’” (quoting *Horsley v. Feldt*, 304 F.3d 1125, 1134 (11th Cir. 2002) (considering judgment on the pleadings))); *Bell v. City of Southfield*, 37 F.4th 362, 364 (6th Cir. 2022) (“In qualified-immunity cases, we’ve previously considered videos at the motion-to-dismiss stage.”); *Kass v. City of N.Y.*, 864 F.3d 200, 205–06 (2d Cir. 2017) (“[W]hen the record includes a video that the parties concede is

authentic and accurate, as is the case here, we view the allegations of the complaint as true only ‘to the extent that they are not contradicted by video evidence.’ “ (quoting *Garcia v. Doe*, 779 F.3d 84, 88 (2d Cir. 2014)) (considering judgment on the pleadings)).⁵

But circuit courts have recognized that their ability to consider videos on a motion to dismiss or a similar motion is limited. For example, in *Saalin*, the Sixth Circuit found that a district court should not have considered a video—one referenced in the complaint—on a motion for judgment on the pleadings when the recording did not “blatantly contradict the allegations in the complaint.” 97 F.4th at 1002. The Sixth Circuit explained that the reason for considering video only when it contradicts a plaintiff’s allegations is that, in that circumstance, the series of events captured by the recording “makes a plaintiff’s allegations implausible.” *Id.* “But when the video does not blatantly contradict or utterly discredit the complaint, we do not consider it on Rule 12 motion.” *Id.*

Again, on this point, the circuit courts have often agreed. *See Doriety, supra; Bell*, 37 F.4th at 364 (“If there is a factual dispute between the parties, we can only rely

5. There may well be a circuit split developing on this issue. In *Fuqua v. Santa Fe County Sheriff’s Office*, the Tenth Circuit invoked one of its earlier decisions that it said “instructs us not to consider outside evidence on a motion to dismiss, even if the evidence directly contradicts the complaint’s allegations.” 157 F.4th 1288, 1300 (10th Cir. 2025). The *Fuqua* Court added that cases from the Sixth Circuit “do not persuade us to change tack.” *Id.* However, the *Fuqua* Court then proceeded to consider whether the videos blatantly contradicted the complaint as an alternative argument. That decision is before this Court on a petition for a writ of certiorari. *See Zook v. Fuqua*, Docket No. 25-1108.

on the videos over the complaint to the degree the videos are clear and ‘blatantly contradict[]’ or ‘utterly discredit[]’ the plaintiff’s version of events.” (quoting *Scott v. Harris*, 550 U.S. 372, 380, 127 S. Ct. 1769, 1776, 167 L. Ed. 2d 686 (2007))).

The circuits that follow that path do so for good reason: They are drawing from this Court’s decision in *Scott*. In that case, this Court reversed the denial of a motion for summary judgment because the plaintiff’s “version of events” was “so utterly discredited by the record that no reasonable jury could have believed him.” 550 U.S. at 380, 127 S. Ct. at 1776, 167 L. Ed. 2d 686. The Court explained that the circuit court’s opinion in that case could be read to suggest that the plaintiff “was attempting to pass his driving test[.]” *Id.* at 378–79, 127 S. Ct. at 1775, 167 L. Ed. 2d 686. Instead, the Court found that the video showed the vehicle driving erratically, speeding, and violating traffic laws. *Id.* at 379–80, 127 S. Ct. at 1775, 167 L. Ed. 2d 686. In cases like that, this Court found, courts should not consider “visible fiction” over what the video clearly portrays. *Id.* at 380–81, 127 S. Ct. at 1776, 167 L. Ed. 2d 686.

There are, though, a few complications here. First, as mentioned above, this Court was considering *a motion for summary judgment* in *Scott*—not a motion to dismiss. See *id.* at 376, 127 S. Ct. at 1773, 167 L. Ed. 2d 686. While similar in some ways, the two motions serve different roles in our legal system. See *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561, 112 S. Ct. 2130, 2137, 119 L. Ed. 2d 351 (1992) (holding that while, “[a]t the pleading stage, general factual allegations of injury resulting from the defendant’s conduct may suffice,” to survive a motion for summary judgment “the plaintiff can no longer rest on

such ‘mere allegations,’ but must ‘set forth’ by affidavit or other evidence ‘specific facts,’ which for purposes of the summary judgment motion will be taken to be true” (internal citation omitted) (quoting Fed. Rule Civ. Proc. 56(e))).

One circuit court has observed how considering qualified immunity under Rule 12 motions “pulls a court in two, competing directions.” *Guertin v. Michigan*, 912 F.3d 907, 917 (6th Cir. 2019). As the Sixth Circuit explained, this Court has called for qualified immunity claims to be handled efficiently, even though factual questions can be particularly relevant. *See id.* This has led the Sixth Circuit to warn “that ‘it is generally inappropriate for a district court to grant a 12(b)(6) motion to dismiss on the basis of qualified immunity.’” *Id.* (quoting *Wesley v. Campbell*, 779 F.3d 421, 433–34 (6th Cir. 2015)).

The reasoning for our general preference is straightforward: “Absent any factual development beyond the allegations in a complaint, a court cannot fairly tell whether a case is ‘obvious’ or ‘squarely governed’ by precedent, which prevents us from determining whether the facts of this case parallel a prior decision or not” for purposes of determining whether a right is clearly established.

Id. (quoting *Evans-Marshall v. Bd. of Educ. of Tipp City Exempted Vill. Sch. Dist.*, 428 F.3d 223, 235 (6th Cir. 2005) (Sutton, J., concurring)).

The Sixth Circuit has also posed the question at the heart of this petition: “But what falls into the ‘blatantly contradict’ or ‘utterly discredit’ category?” *Bell*, 37 F.4th

at 366. The *Bell* court posed two scenarios for what would and wouldn't be a case of the complaint directly contradicting the complaint. But even the Sixth Circuit seems to have landed a fair distance away from *Scott*.

Recall that, in *Scott*, this Court directly contrasted the more sanguine description of the driver's maneuvering considered by the lower courts with its own observation that "what we see on the video more closely resembles a Hollywood-style car chase of the most frightening sort, placing police officers and innocent bystanders alike at great risk of serious injury." 550 U.S. at 380, 127 S. Ct. at 1775–76, 167 L. Ed. 2d 686.⁶

Bell, on the other hand, suggests that a plaintiff leaving out the fact that he was holding a gun when an officer tased him would warrant a finding that "the gun's presence blatantly contradicts the complainant's omission." *Bell*, 37 F.4th at 366. Unless the video was *unclear* about whether the object in the plaintiff's hand was a gun; in that case, *Bell* counseled, the court should ignore it. *Id.*⁷

Petitioner believes that some of the facts and inferences considered by the Eighth Circuit in this case fall firmly into the *Bell* Court's second bucket, because the video is at best unclear about the events discussed in

6. In dissent, Justice Stevens suggested the Court painted with more vivid colors than the video warranted. *See* 550 U.S. at 390–93, 127 S. Ct. at 1781–83 (Stevens, J., dissenting).

7. In ruling on Londregan's motion in the current case, the District Court expressly refused to consider an alleged attempt by Cobb to grab one of the trooper's gun, finding that the video "does not confirm that he attempted to grab the gun." App. 45a–46a.

the complaint. Setting that aside, the *Bell* hypotheticals seem to bridge the distance between contradiction and omission, and this Court should consider whether to reinforce that bridge. Even so, because the Eighth Circuit likely would have reached a different result in Petitioner’s case if it had used the *Bell* hypotheticals, the circuit courts are taking divergent approaches on potentially determinative questions. It is not, *per se*, a circuit split. But it does provide this Court with an opportunity to promote consistency in qualified immunity cases.

II. The Case Was Wrongly Decided At The Eighth Circuit, And Should Be Either Reversed Or Remanded For Reconsideration After This Court Sets The Appropriate Standard for ‘Blatantly Contradicted.’

Because the Eighth Circuit wrongly considered the video in its Rule 12(b)(6) motion, its decision could be reversed on that ground alone. But even if the video should have been presented, the court below took an overly generous view of whether the body-cam footage in this case “blatantly contradicted” Petitioner’s complaint, and the case should be remanded for a new consideration of whether the video does, indeed, contradict the complaint.

For one thing, because the motion to dismiss was determined without being formally converted to a motion for summary judgment—which unquestionably would have allowed the courts below to consider the video—Petitioner never had a chance to try to develop evidence that might have reinforced her allegations on close questions.

It is true that, when this Court moved to an objective test for qualified immunity under *Harlow v. Fitzgerald*,

it did so in part to limit the number of discovery requests that public officials have to field. *See* 457 U.S. 800, 817–18, 102 S. Ct. 2727, 2738, 73 L. Ed. 2d 396 (1982) (“[W]e conclude today that bare allegations of malice should not suffice to subject government officials either to the costs of trial or to the burdens of broad-reaching discovery.”); *see also Anderson v. Creighton*, 483 U.S. 635, 651, 107 S. Ct. 3034, 3045, 97 L. Ed. 2d 523 (1987) (Stevens, J., dissenting) (holding that “*Harlow* does not allow discovery until the issue whether the official’s alleged conduct violated a clearly established constitutional right has been determined on a motion for summary judgment”).

But that does not spare the decision here—first, because of how the Eighth Circuit dispensed with Petitioner’s unreasonable seizure complaint; and second, because of the way its consideration of the video evidence shaped its consideration of whether the law that the troopers violated was well established.⁸

Start with the unreasonable seizure claim. The Eighth Circuit dismissed Petitioner’s claim on this count because the court found the troopers “did not violate a

8. Nor is this a case where “the precise factual basis for the plaintiff’s claim or claims may be hard to identify.” *Pearson v. Callahan*, 555 U.S. 223, 238–39, 129 S. Ct. 808, 819, 172 L. Ed. 2d 565 (2009) (explaining why the Court’s sequential qualified immunity test under *Saucier v. Katz*, 533 U.S. 194, 121 S. Ct. 2151, 150 L. Ed. 2d 272 (2001), is not always required). While the facts of this case were complex and the lower courts occasionally needed to clarify which officers or claims were implicated by which allegations, they were able to make those determinations sufficiently to rule on the claims. Indeed, the basis for the Eighth Circuit’s determination on the unreasonable seizure claim was that the seizures alleged were not unreasonable. App. 5a.

constitutional right[.]” App. 5a. But that finding was built on the Court’s interpretation of portions of the video that do not blatantly contradict Petitioner’s complaint.

The clearest example of this is the court’s repeated references to information on the video about what information the officers had about the protective order. For example, the Eighth Circuit found that “[t]he videos confirm that both troopers knew about the felony protective order violation that it was still active[.]” App. 6a. The court found that gave the officers reasonable suspicion. *Id.*

Only that’s not precisely what the video shows. The video shows that officers *said* the alert was still active; concluding that it was, without any of the details of the alert, is an inference. *See Inference*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/inference> (last visited Sept. 30, 2026) (providing as one definition of inference, “the act or process of inferring: such as . . . the act of passing from one proposition, statement, or judgment considered as true to another whose truth is believed to follow from that of the former”); *see also Creel v. State*, 710 S.W.2d 120, 133 (Tex. App. 1986) (“An inference has been defined as a conclusion drawn by reason from premises established by proof; also, a deduction or conclusion from facts or propositions known to be true.” (citing 2 BOUVIER’S LAW DICTIONARY (8th ed. 1914))). And at this stage of the litigation, inferences are available, if at all, only in support of Petitioner’s allegations.⁹

9. This is why it is unclear whether *United States v. Hensley*, 469 U.S. 221, 105 S. Ct. 675, 83 L. Ed. 2d 604 (1985), controls this case. To be sure, this Court found in *Hensley* that “if a flyer or bulletin has been issued on the basis of articulable facts supporting

Same with the call that might (or might not) have come from Ramsey County. The Eighth Circuit found that Trooper Seide had probable cause to believe Cobb had violated the protective order in part because of “instructions from the Ramsey County Sheriff’s Office[.]” App. 7a. The video does not confirm that the call came from Ramsey County or that it contained instructions from Ramsey County to arrest Cobb. The court drew an inference: “Though the video provides only one side of the call, the context and Seide’s responses make it clear that Ramsey County instructed him to arrest Cobb and book him.” *Id.* The court listened to the video, heard Trooper Seide’s end of the call, and made an inference—based on what Trooper Seide said on his end of the call—that Ramsey County asked for Cobb’s arrest.

This case also does not fit the notion that “the existence of qualified immunity is not always dependent on factual development.” *See Doe v. Purdue Univ.*, 928 F.3d 652, 665 (7th Cir. 2019) (Barrett, J.). For example, in *Doe*, the court confronted a Fourteenth Amendment claim against some officials of Purdue University. *See*

a reasonable suspicion that the wanted person has committed an offense, then reliance on that flyer or bulletin justifies a stop to check identification, to pose questions to the person, or to detain the person briefly while attempting to obtain further information.” *United States v. Hensley*, 469 U.S. 221, 232, 105 S. Ct. 675, 682, 83 L. Ed. 2d 604 (1985) (citation omitted). But the *Hensley* Court also found that stopping a defendant on a flyer “issued in the absence of a reasonable suspicion . . . violates the Fourth Amendment.” *Id.* The Court allowed that an officer might still be able to raise “a good-faith defense to any suit,” but added: “It is the objective reading of the flyer or bulletin that determines whether other police officers can defensibly act in reliance on it.” *Id.* at 232-33, 105 S. Ct. at 682, 83 L. Ed. 2d 604. All the more reason why seeing the actual alert, rather than a narration of it, is critical here.

id. at 656. The court there found it could find as a matter of law that the university officials had not violated Doe’s well-established rights in part because “this is our first case addressing whether university discipline deprives a student of a *liberty* interest[.]” *Id.* at 665–66.

It is virtually impossible to untangle the court’s consideration here of portions of the video that do not contradict Petitioner’s complaint from its conclusion that the troopers acted reasonably. Without the non-contradictory facts from the videos, some of the Eighth Amendment’s rulings come undone.

Turn now to the excessive force claim. There, the Eighth Circuit’s holding depends heavily on the details of what happened in Cobb’s car—by the court’s own design. The Eighth Circuit framed the issue as whether “deadly force violates the Fourth Amendment if used to protect an officer reaching inside a suspect’s car when the suspect shifts the car into drive and the car begins to move.” App. 9a.¹⁰ While many of the facts stated here are conceded in Petitioner’s complaint, the context in which these events took place matters under the totality of the circumstances. *See Barnes v. Felix*, 605 U.S. 73, 83, 145 S. Ct. 1353, 1360, 221 L. Ed. 2d 751 (2025) (“As we have explained, a court cannot thus ‘narrow’ the totality-of-the-circumstances inquiry, to focus on only a single moment. It must look too, in this and all excessive-force cases, at any relevant

10. Petitioner notes that this is an incredibly narrow standard, even under this Court’s requirement for specificity in claims like hers. Petitioner does not believe she would be required to refer to a case that took place in the same kind of vehicle or on the side of a similar highway—but is not sure how much some of those details differ in quality from the details apparently required by the Eighth Circuit.

events coming before.”). And the Eighth Circuit’s view of the totality was based in part on the videos. Without an opportunity for Petitioner to respond, though, the Eighth Circuit got an incomplete presentation of the evidence.

Even if some of the details in Petitioner’s complaint might vary slightly from the video, the Eighth Circuit appears to have imported the video wholesale into its consideration of the facts of the case. That demonstrates that the lower courts need guidance from this Court as to whether and under what circumstances video recordings “blatantly contradict” a plaintiff’s complaint, whether that justifies using the recordings, and if so, how the allegedly contradictory video should be considered.

CONCLUSION

This Court should grant certiorari on this case and provide clarity to courts whether and how to consider videos that “blatantly contradict” the factual pleadings on a Rule 12 motion.

Respectfully submitted,

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APPENDIX

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**APPENDIX A — OPINION OF THE UNITED STATES
COURT OF APPEALS FOR THE EIGHTH CIRCUIT,
FILED JULY 7, 2026**

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 24-3412

NYRA JEAN MILLER-FIELDS, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF RICKY COBB, II,

Plaintiff-Appellant,

v.

RYAN LONDREGAN,

Defendant-Appellee,

BRETT SEIDE,

Defendant.

No. 25-1170

NYRA JEAN MILLER-FIELDS, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF RICKY COBB, II,

Plaintiff-Appellant,

v.

BRETT SEIDE,

Defendant-Appellee,

RYAN LONDREGAN,

Defendant.

Appendix A

Appeal from United States District Court
for the District of Minnesota

Submitted: March 18, 2026

Filed: July 7, 2026

Before COLLOTON, Chief Judge, GRUENDER and
KOBES, Circuit Judges.

KOBES, Circuit Judge.

Minnesota State Troopers stopped Ricky Cobb, II for driving without his headlights on. Things escalated when Cobb, who was wanted for violating a protective order, refused commands to exit his car and instead put the car in drive. A trooper shot and killed him seconds later. Nyra Miller-Fields, personal representative of Cobb's estate, sued under 42 U.S.C. § 1983, alleging unreasonable seizure and excessive force in violation of the Fourth and Fourteenth Amendments. Relying on body and dash camera footage, the district court¹ granted the troopers' motion to dismiss based on qualified immunity. We affirm.

I. Background

We review *de novo* the district court's grant of the motion to dismiss and accept "as true all factual allegations in the light most favorable to [Miller-Fields]." *Waters v. Madson*, 921 F.3d 725, 734 (8th Cir. 2019); see Fed. R. Civ. P. 12(b)(6). When video evidence is "embraced by the complaint" and its authenticity is not challenged,

1. The Honorable Nancy E. Brasel, United States District Judge for the District of Minnesota.

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we may consider it so far as it “blatantly contradict[s]” the alleged facts. *Young v. Keyes*, 176 F.4th 573, 577 (8th Cir. 2026) (citations omitted). Miller-Fields does not dispute the authenticity of the videos, so we accept the complaint’s factual allegations and view them in the light most favorable to Miller-Fields, except where the videos “disprove [Miller-Fields’s] account of events.”² *Id.*

Trooper Brett Seide pulled Cobb over around 1:52 a.m. on July 31, 2023. Right away, Seide received an alert on his in-car computer that Cobb was wanted for a felony protective order violation in Ramsey County and instructions to “hold subject and contact Ramsey County Sheriff’s Office.” Seide told non-defendant Trooper Garrett Erickson, who arrived at the scene at 1:53 a.m., the date of the protective order and said that it “expires 7-31-2026 . . . that’s today.” He radioed dispatch and asked them to contact Ramsey County Sheriff’s Office.

Trooper Ryan Londregan arrived around 2:11 a.m. Seide told him about the protective order violation and that Cobb was “a little sketchy” and “amped.” Seide then received the call from Ramsey County. The videos capture Seide’s half of the conversation, including him saying “we’ll get him arrested” and his questions about where and under what case number he should book Cobb. After the call, Seide told Londregan and Erickson that Ramsey County wanted Cobb arrested.

2. She objects that the videos were improperly produced by a subpoena before discovery. But the troopers attached the video to their motion to dismiss before a subpoena was served, so her argument is without merit.

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The three approached Cobb's car at 2:15 a.m. It was parked on the shoulder of the interstate with locked doors and the front windows down. Seide went to the driver's side, Londregan to the passenger's side, and Erickson stood near the back of the car. Seide repeatedly ordered Cobb to step out of the car and give him the keys. Cobb refused and asked if there was a warrant for his arrest. Seide told him there was no warrant, but after Cobb failed to comply, he announced "this is now a lawful arrest."

On the word "arrest," Londregan moved his hand inside the passenger-side door, unlocked it, and started to open it. At the same time, Trooper Seide opened Cobb's driver-side door. Cobb put his foot on the brake, moved his hand to the transmission, and shifted the car into drive. The car jerked forward and Seide and Londregan moved with it. Seide then leaned into the car, reaching towards Cobb's seatbelt buckle. The car stopped and Londregan pulled his gun and ordered, "Get out of the car now." In the same instant, at 2:17 a.m., the brake lights went off. The car moved forward again with Seide's upper body still fully inside. Trooper Londregan fired twice into Cobb's torso.

The car accelerated, knocking Seide and Londregan to the ground. The troopers returned to their patrol cars and caught up to Cobb, whose car was moving slowly along the median about a quarter mile down the interstate. Seide decelerated and ran into the rear-passenger side while Londregan decelerated and hit the front passenger side, bringing Cobb's car to a stop. The troopers pulled an unresponsive Cobb from the car and unsuccessfully tried to resuscitate him.

*Appendix A***II. Qualified Immunity Analysis**

To determine whether the troopers are entitled to qualified immunity on a motion to dismiss, “we must determine whether the alleged facts demonstrate that [their] conduct violated a constitutional right, and whether it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted.” *Groenewold v. Kelley*, 888 F.3d 365, 370-71 (8th Cir. 2018) (cleaned up). “[T]he qualified immunity determination is specific to each” trooper. *Cannon v. Dehner*, 112 F.4th 580, 588 (8th Cir. 2024).

A. Unreasonable Seizure

Miller-Fields alleges the troopers unreasonably seized Cobb when they extended the stop and decided to arrest him. But since neither of these seizures were unreasonable, Troopers Seide and Londregan did not violate a constitutional right and are entitled to qualified immunity.

Miller-Fields first argues that both troopers unreasonably seized Cobb by “unnecessarily extend[ing]” the stop without probable cause.³ This is the wrong legal

3. The troopers argue that the complaint did not allege a standalone unconstitutional-extension claim. But it alleged the length of the stop and claimed the troopers lacked probable cause. Miller-Fields argued that the stop was unconstitutionally extended in her opposition to the motion to dismiss, and the district court addressed that argument in its order. We likewise address it here. *See Cook v. George’s, Inc.*, 952 F.3d 935, 938 (8th Cir. 2020) (“We

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standard. Officers only need “reasonable suspicion of criminal activity” to extend a stop, *United States v. Allen*, 43 F.4th 901, 907 (8th Cir. 2022), and Miller-Fields concedes there was reasonable suspicion that Cobb violated a protective order, *see* Compl. at 10 (“Neither Defendant Londregan nor Defendant Seide had reasonable suspicion that Decedent Cobb had committed any crime *other than a protective order violation*.” (emphasis added)). The videos confirm that both troopers knew about the felony protective order violation and that it was still active, showing they had reasonable suspicion of criminal activity to justify the stop’s extension. *See United States v. Hensley*, 469 U.S. 221, 232, 105 S. Ct. 675, 83 L. Ed. 2d 604 (1985). And they extended the stop only for the amount of time it took to hear back from Ramsey County and attempt the arrest. *Allen*, 43 F.4th at 907 (“[O]fficers may continue the stop only for the time necessary to attend to the stop’s mission and related safety concerns.” (cleaned up)).

Nor did Seide and Londregan “unreasonably seize[] Cobb when they decided to arrest him.”⁴ “A warrantless arrest is consistent with the Fourth Amendment if it is supported by probable cause.” *Borgman v. Kedley*, 646

must construe the complaint ‘liberally.’” (citation omitted)); *see also United States v. Williams*, 504 U.S. 36, 42, 112 S. Ct. 1735, 118 L. Ed. 2d 352 (1992) (we can consider issues decided “by the court[] below” (citation omitted)).

4. Miller-Fields does not argue on appeal that the troopers’ attempts to pull Cobb out of his car during the arrest or ramming his car were unconstitutional seizures. *See Davenport v. City of Little Rock*, 142 F.4th 1036, 1040 n.7 (8th Cir. 2025) (claims alleged in the complaint but not addressed on appeal are waived).

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F.3d 518, 522 (8th Cir. 2011). The video evidence shows that Seide knew Cobb violated a protective order. Miller-Fields argues that if the troopers truly had probable cause they would have arrested Cobb immediately on receiving the alert because Minnesota is a “shall arrest” state. *See* Minn. Stat. § 518B.01, subdiv. 14(e). But this is a misreading of Minnesota’s statute, which only mandates that “[a] peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated” a protective order. *Id.* Failure to arrest Cobb “right then” did not divest the troopers of probable cause a few moments later.

Based on the initial alert and instructions from the Ramsey County Sheriff’s Office, Trooper Seide had probable cause that Cobb had “committed or [was] committing an offense” by violating the protective order. *Willis v. Mills*, 141 F.4th 905, 911 (8th Cir. 2025) (citation omitted). Trooper Seide asked dispatch to contact Ramsey County and, minutes later, he received a call. Though the video provides only one side of the call, the context and Seide’s responses make it clear that Ramsey County instructed him to arrest Cobb and book him. And Trooper Londregan was entitled to rely on Seide’s decision to arrest and reasonably did so based on the alert and what he heard of Seide’s conversation with Ramsey County. *See Wolterman v. Syverson*, 164 F.4th 1086, 1092 (8th Cir. 2026) (“An assisting officer may rely on the probable cause determination and follow the directions of an officer who is directing the arrest as long as the reliance is reasonable.” (citation omitted)).

*Appendix A***B. Excessive Force**

“[R]egardless of whether [Miller-Fields] has articulated a constitutional violation” by Trooper Londregan for shooting Cobb, *Hess v. Ables*, 714 F.3d 1048, 1051 (8th Cir. 2013), Londregan is entitled to qualified immunity because Miller-Fields has not shown that Cobb’s rights in the specific context of this case were “sufficiently clear that a reasonable official would understand that what he [was] doing violate[d] that right,” *Jones v. McNeese*, 675 F.3d 1158, 1161 (8th Cir. 2012) (quoting *Anderson v. Creighton*, 483 U.S. 635, 640, 107 S. Ct. 3034, 97 L. Ed. 2d 523 (1987)).

Miller-Fields “bears the burden of proving that the law was clearly established.” *Hess*, 714 F.3d at 1051. She points us first to *Tennessee v. Garner*, 471 U.S. 1, 105 S. Ct. 1694, 85 L. Ed. 2d 1 (1985), which she says clearly establishes that “[a]n officer may not use deadly force against a fleeing suspect unless the suspect poses an immediate and significant threat of serious injury.” But this general principle is too broad to clearly establish a constitutional violation here. *See Zorn v. Linton*, 146 S. Ct. 926, 930, 224 L. Ed. 2d 400 (2026) (per curiam) (“The relevant precedent must define the right with a ‘high degree of specificity,’ so that ‘every reasonable official would interpret it to establish the particular rule the plaintiff seeks to apply.’” (citation omitted)). *Garner* is not “a case where an officer acting under similar circumstances was held to have violated the Constitution.” *Id.* (cleaned up).

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And cases more factually similar than *Garner* offer little help. In *Molina-Gomes v. Welinski*, 676 F.3d 1149, 1151-53 (8th Cir. 2012), we found that deadly force was not excessive where a suspect knocked and dragged a police officer while trying to escape in his car. This was because “[t]he reckless driving by [the suspect] in his attempt to escape was a danger to the arresting police officers and to any drivers on the roadway.” *Id.* at 1152; *see also Harmon v. City of Arlington*, 16 F.4th 1159, 1164-65 (5th Cir. 2021) (holding that deadly force was not excessive because officer who was clinging to an accelerating car could reasonably believe that he was at serious risk of harm). Miller-Fields has not shown it was clearly established that deadly force violates the Fourth Amendment if used to protect an officer reaching inside a suspect’s car when the suspect shifts the car into drive and the car begins to move. *See Harmon*, 16 F.4th at 1167 (noting that “whether it is unreasonable for an officer to use deadly force when he has become an unwilling passenger on the side of a fleeing vehicle” was not clearly established).⁵

Miller-Fields next says that *Wallace v. City of Alexander*, 843 F.3d 763 (8th Cir. 2016), and *Moore v. Indehar*, 514 F.3d 756 (8th Cir. 2008), hold that officers

5. Miller-Fields argues whether Cobb was attempting to flee is a question of fact, alleging that Seide’s attempt to pull Cobb out of the car was what caused him to take his foot off the brake the second time. “But even if [Cobb’s] motives were innocent, a reasonable officer on the scene could have interpreted [his] actions as resistance.” *Loch v. City of Litchfield*, 689 F.3d 961, 966 (8th Cir. 2012). And she would still need to provide a case clearly establishing that Londregan’s actions violated the Constitution.

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may not seize “unarmed, nondangerous suspects by shooting them dead.” *Wallace*, 843 F.3d at 769 (cleaned up). But “a car . . . may be used as a deadly or dangerous weapon,” *United States v. Yates*, 304 F.3d 818, 823 (8th Cir. 2002), so it was not clearly established that Cobb was unarmed or nondangerous where his car was moving with a trooper partially inside. Similarly, Miller-Fields argues that deadly force is justified only “when the person with the instrument evinces some intent to use it in a way to cause harm.” She points to cases involving suspects with guns, arguing we have found force unreasonable against an armed suspect who did not raise his gun or otherwise appear ready to shoot. *See Nance v. Sammis*, 586 F.3d 604 (8th Cir. 2009); *Wilson v. City of Des Moines*, 293 F.3d 447 (8th Cir. 2002). But those cases do not clearly establish that a reasonable officer could not perceive Cobb’s actions as evincing an intent to harm the troopers. *Cf. Sykes v. United States*, 564 U.S. 1, 10, 131 S. Ct. 2267, 180 L. Ed. 2d 60 (2011) (cars can “create serious potential risks of physical injury to others” when used as a means of escape), *overruled by, Johnson v. United States*, 576 U.S. 591, 135 S. Ct. 2551, 192 L. Ed. 2d 569 (2015).

She also argues it is clearly established that officers must provide a warning before using deadly force. *See Garner*, 471 U.S. at 11-12. But *Garner* did not establish an absolute rule. Rather, it requires officers to provide a warning “where feasible.” *Id.* And we have held that a warning is less likely to be feasible “in a high-pressure situation,” like this one, “that requires a split-second judgment.” *Morgan-Tyra v. City of St. Louis*, 89 F.4th 1082, 1086 (8th Cir. 2024). Without a case on point, Miller-

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Fields has not shown that Trooper Londregan violated a clearly established right if he did not issue a warning before shooting Cobb.

Finally, Miller-Fields alleges in her Complaint that Troopers Seide and Londregan violated the Fourth Amendment by using excessive force to “ram[]” Cobb’s car. She says that “no facts . . . conclusively established that Cobb was ever fleeing.” But her argument and the complaint’s allegation that the troopers “ramm[ed] Decedent Cobb’s stopped vehicle” are blatantly contradicted by the video evidence. The dash camera footage shows that Cobb sped off the shoulder of the road and turned into traffic. When the patrol cars caught up to him, his car was still moving forward next to the median. Seide stopped Cobb’s car by decelerating and bumping into the back corner while Londregan slowed to bump the front corner.

Relying on *Mayard v. Hopwood*, 105 F.3d 1226 (8th Cir. 1997), Miller-Fields argues that Seide knew that Cobb was incapacitated, so his use of force was not objectively reasonable. But *Mayard* is inapposite because it involved the use of force after the plaintiff was already subdued and in police custody. *Id.* at 1228 (not objectively reasonable for officer to slap, punch, and demean a fully restrained suspect). Here, Cobb’s car was still moving forward after having sped away from the troopers onto a busy highway, so it posed a threat to safety. Seide and Londregan’s use of force was no greater than necessary to stop Cobb’s vehicle, and under the totality of the circumstances, it was objectively reasonable. See *Westwater v. Church*, 60 F.4th 1124, 1128 (8th Cir. 2023) (totality of the circumstances

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inquiry includes “whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” (quoting *Graham v. Connor*, 490 U.S. 386, 396, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989))).

III. CONCLUSION

We affirm the judgment of the district court.

**APPENDIX B — ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF
MINNESOTA, FILED JANUARY 21, 2025**

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No. 24-CV-1372 (NEB/TNL)

NYRA JEAN MILLER-FIELDS, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF RICKY COBB, II,

Plaintiff,

v.

RYAN LONDREGAN AND BRETT SEIDE,

Defendants.

ORDER ON BRETT SEIDE’S MOTION TO DISMISS

Minnesota State Troopers Brett Seide and Ryan Londregan took part in a traffic stop that led to the fatal shooting of Ricky Cobb, II. The personal representative of Cobb’s estate sued Seide and Londregan, asserting claims of unreasonable seizure and use of excessive force. Seide now moves to dismiss the claims against him. For the reasons below, Seide’s motion to dismiss (ECF No. 61) is granted.

*Appendix B***BACKGROUND**¹

Around 1:52 a.m. on July 31, 2023, Minnesota State Trooper Brett Seide pulled over Ricky Cobb on Interstate 94 in Minneapolis for driving at night without his headlights on. (ECF No. 1 (“Compl.”) ¶¶ 8, 11; Ex. 2 at 1:52:00.) While following Cobb’s car, Seide was alerted to a protection order involving Cobb. (Ex. 2 at 1:51:36-38.) After stopping Cobb, Seide spoke with him while Cobb remained in his car. (*Id.* at 1:52:21-31.) Seide asked Cobb for his license and proof of insurance, and told him that he was pulled over because he did not have his lights on. (*Id.*) Seide returned to his squad car around 1:58 a.m. (*Id.* at 1:58:49.)

1. The Court takes all factual allegations in the complaint as true on a motion to dismiss, *Smithrud v. City of St. Paul*, 746 F.3d 391, 397 (8th Cir. 2014), but is not obligated “to accept a version of events that is ‘blatantly contradicted by the record.’” *Ching ex rel. Jordan v. City of Minneapolis*, 73 F.4th 617, 621 (8th Cir. 2023) (citation omitted). In support of his motion, Seide relies on the body camera and squad car videos from Seide, Londregan, and Erickson that recorded the material events. (ECF Nos. 32-33 (Hennen Decl. Exs. 1-6, filed conventionally and under seal).) Although Miller-Fields objects to their consideration, she does not challenge their authenticity or completeness, and cites them in her response brief. The Court will consider these video recordings because they are “necessarily embraced by the pleadings.” *Ching*, 73 F.4th at 620. The Court views undisputed video footage in the light depicted by the footage. *Scott v. Harris*, 550 U.S. 372, 381, 127 S. Ct. 1769, 167 L. Ed. 2d 686 (2007). The video exhibits are cited as “Ex. .” The Court also notes that the videos are time-stamped, and there is a slight difference in their time stamp appearing to be around one-tenth of one second off. The Court considered this slight difference when viewing the videos.

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Back in his squad car, Seide read the alert aloud from his in-car computer: “Information alert, attempt to locate . . . wanted for felony OFP violation. If locate, hold subject and contact Ramsey County Sheriff’s Office” (“RCSO”). (Ex. 2 at 1:59:06-26.) Seide then confirmed Cobb’s identification and briefly discussed the situation with Trooper Garrett Erickson², who had arrived on the scene. (Compl. ¶ 12; *see* Ex. 2 at 1:59:53-2:01:57; Ex. 3 at 1:53:36.) At 2:02 a.m., Seide radioed dispatch and asked them to contact RCSO to determine how they wanted Seide to handle the alert. (Compl. ¶ 14; Ex. 2 at 2:02:05-14.) Two minutes later, dispatch radioed Seide that a sergeant would contact him “shortly.” (Ex. 2 at 2:04:35-44.)

Trooper Ryan Londregan arrived on scene around 2:11 a.m. (Compl. ¶ 8.) After Londregan arrived, Seide told Londregan that Cobb was wanted for a felony order of protection (“OFP”) violation in Ramsey County and that Cobb was “a little sketchy.” (*Id.* ¶ 13; Ex. 1 at 2:11:52-57; Ex. 2 at 2:11:53-58.) Londregan asked if Cobb “was amped,” and Seide agreed that he was. (Ex. 2 at 2:12:08-10.) Londregan asked, “Why? He knows he’s subject of . . .”; Seide interjected, “Well no, he’s just been having a rough night . . .” (*Id.* at 2:12:13-16.) Seide explained that he was waiting for RCSO to tell him what they wanted him to do about Cobb, and that he did not want to arrest Cobb or use force without hearing from RCSO. (Compl. ¶ 14; Ex. 2 at 2:12:32-58.) Londregan noted that the alert “says hold, but still, go ahead, yeah.” (Ex. 6 at 2:12:58-2:13:00.)

2. The complaint refers to a “Trooper Doe.” (*E.g.*, Compl. ¶ 12.) The parties agree and the video recordings confirm that “Trooper Doe” is Erickson.

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Seide received a call from RCSO at 2:13 a.m. (Ex. 2 at 2:13:00.) The video evidence recorded only Seide's side of this call. (*See id.*) Seide explained to the caller that he had received a KOPS³ alert, that he had just stopped the vehicle for having no lights on. (*Id.* at 2:13:02-17.) Seide continued:

It's for a Ricky Thomas Cobb. I have him stopped, and he is in the vehicle. [pause (*id.* at 2:13:23-37)]

Alright, yeah. We'll, I'll, I'll get him arrest—we'll, we'll go out there. He's a little amped up, so we're gonna get him arrested. I want to help here, you know. We'll get him arrested, and then, what do you want to do for the transport and stuff? [pause]

Ok. Well, I can, I can, I can run—[pause]

Ramsey County Jail? I can do that. And then do you want me to meet a squad there? Or how do you want me to do booking? [pause]

Yeah, I can book him under felony OFP, I just don't know, maybe if I can get your guys's [*sic*] case number quick? [pause]

Yep. [pause]

3. It is the Court's understanding that KOPS is an acronym for Keeping Our Police Safe.

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0-3-9-0 [pause] 3-9. So I have 0, ah, 0-9, [pause]

0-3-9-0-3-9. Alright, I got that. And that's Ramsey County. Ok. Yep. We're gonna go, I'll go arrest him, and then I'll bring him to Ramsey County Jail, and then do you want me to book under that case number? Or do you want me to book under my own case number? [pause]

Ok. [pause]

Yep, yep. [pause]

Ok. Sounds good. We'll get it all figure out. [pause]

Alright. Yeah, no problem. Bye, bye.

(Ex. 2 at 2:13:17-15:07 (also showing Seide writing on paper when repeating the case number); Ex. 1 at 2:13:00-15:05.) After ending the call, Seide exited the squad car and told the other troopers that Ramsey County wanted Cobb arrested and brought to Ramsey County Jail. (Compl. ¶ 16; Ex. 2 at 2:15:13-26.)

After a brief discussion between the troopers, Seide approached the driver side of Cobb's car, Londregan approached the passenger side, and Erickson stood near the back- left of the vehicle. (Compl. ¶ 17.) As the troopers approached, Cobb's car was in park with its doors locked and the front windows down. (*Id.* ¶ 18.) Seide repeatedly asked Cobb to step out of the vehicle because they had

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“some stuff to talk about” regarding Ramsey County. (*Id.* ¶¶ 19-24; Ex. 2 at 2:15:45-2:16:49.) Cobb asked if Seide was talking about “that sh*t with Terry Young.” (Ex. 2 at 2:16:13-15.) Seide also repeatedly asked Cobb to hand him the keys to the car. (*Id.* at 2:16:07-37.) Cobb did not exit the car or give Seide the car keys; instead, he repeatedly asked “why” and twice stated that he would call his attorney. (Compl. ¶¶ 19-24; Ex. 2 at 2:15:53-2:16:56.) At one point, Cobb asked if there was a warrant for his arrest; Seide confirmed there was no warrant. (Compl. ¶ 21; Ex. 2 at 2:16:15-18.) During this exchange, Cobb’s hands were in the air in full view of the troopers as he gestured while talking and his car remained in park. (Compl. ¶ 25.)

After several unheeded orders for Cobb to get out of the car, Seide said, “this is now a lawful arrest.” (*Id.* ¶ 24; Ex. 2 at 2:16:56-59.) What happened next occurred in mere seconds, and it took this Court many views of the videos in slow-motion to determine the order of events.

As Seide said the word “arrest,” Londregan, still at the passenger side across from Cobb and Seide, moved his hand inside the passenger door, unlocked the car doors, and began opening the passenger-side door. (Compl. ¶ 27; Ex. 2 at 2:16:57-59; Ex. 5 at 2:16:58-2:17:00.) As Seide opened Cobb’s driver-side door, Cobb placed his foot on the brake, moved his hand to the transmission shift, and shifted the car into drive. (Compl. ¶¶ 28-29; Ex. 2 at 2:16:59-2:17:03; Ex. 5 at 2:17:01-03.)

Cobb’s car moved forward; Seide and Londregan moved with it. (Compl. ¶ 30; Ex. 1 at 2:16:59-2:17:03; Ex. 3

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at 2:17:00-01.) Seide leaned inside the car and reached over Cobb toward his seatbelt buckle, in an attempt to remove Cobb from the car. (Compl. ¶ 31; Ex. 3 at 2:17:02-05; Ex. 5 at 2:17:03-04.) Seide was leaning at least half-way inside the car to accomplish this motion. (Ex. 3 at 2:17:02-05.) Cobb then stepped on the brake, stopping the vehicle's forward movement. (Compl. ¶ 32; Ex. 1 at 2:17:00-02; Ex. 3 at 2:17:02-03 (brake lights).)

Then the car began moving again, and Londregan pulled his firearm, pointed it at Cobb, and shouted, "Get out of the car now!" (Compl. ¶¶ 32, 34-35; Ex. 1 at 2:17:01-04 (no brake lights when Londregan shouts); Ex. 3 at 2:17:03-04 (same); Ex. 5 at 2:17:03-04.) While Londregan was shouting, Seide was still leaning inside the car trying to reach Cobb's seatbelt, as Cobb took his foot off the brake and the car began moving forward. (Compl. ¶ 35; Ex. 1 at 2:17:02-04; Ex. 3 at 2:17:03-04; Ex. 5 at 2:17:04-05.)

Londregan's body-worn camera video shows that Cobb raised his right hand from the gear shift. (Ex. 5 at 2:17:05.) Within tenths of a second after Londregan yelled the word "now," he fired his handgun twice at Cobb's torso, striking him twice. (Compl. ¶ 35; Ex. 1 at 2:17:03-04 (gunshots heard, brake lights off); Ex. 5 at 2:17:04-05.) The car was moving when Londregan shot Cobb.

After Londregan shot Cobb, Cobb's vehicle began to accelerate with Seide still partially inside the car. (Compl. ¶ 36; Ex. 1 at 2:17:04-05; Ex. 3 at 2:17:04-05.) Seide was dragged for a moment before he and Londregan fell away from the car. (Compl. ¶ 37; Ex. 1 at 2:17:04-08; Ex. 3 at

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2:17:05-06; *see* Ex. 2 at 2:17:20-21 (Seide saying that he “got f***ing dragged”).) Cobb’s car continued onto Interstate 94 into traffic. (Compl. ¶ 38; Ex. 1 at 2:17:06-16.) The troopers ran to their squad cars and followed Cobb’s car, which traveled about one-quarter mile down the interstate and slowed to a stop next to the median. (Compl. ¶ 39; Ex. 1 at 2:17:17-2:18:08.)

The troopers caught up with Cobb and significantly decelerated. Seide’s squad car hit the rear-passenger side of Cobb’s slowly moving car. (Ex. 1 at 2:18:07-08.) Londregan hit Cobb’s car in the front passenger side. (*Id.* at 2:18:08.) Defendants and others pulled Cobb from the car and attempted life-saving measures, without success. (Compl. ¶ 40.)

Nyra Jean Miller-Fields, individually and as personal representative of Cobb’s estate, sued Seide and Londregan, alleging claims under 42 U.S.C. Section 1983 for unreasonable seizure and for use of excessive force in violation of the Fourth and Fourteenth Amendments to the United States Constitution.⁴ Londregan previously moved to dismiss the claims against him, and the Court granted that motion. (ECF No. 78.) Seide now moves to

4. Only the Fourth Amendment applies here because Miller-Fields claims that Seide used excessive force, and so there was a “seizure.” *See Graham v. Connor*, 490 U.S. 386, 395, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989) (“[A]ll claims that law enforcement officers have used excessive force—deadly or not—in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard, rather than under a ‘substantive due process’ approach.”).

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dismiss the claims against him on the grounds of qualified immunity and for a failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

ANALYSIS**I. Legal Standard**

To survive a motion to dismiss under Rule 12(b)(6), the Court must accept as true all plausible factual allegations and draw all reasonable inferences for the non-moving party. *Smithrud*, 746 F.3d at 397. The Court “need not accept as true a plaintiff’s conclusory allegations or legal conclusions drawn from the facts.” *Waters v. Madson*, 921 F.3d 725, 734 (8th Cir. 2019) (citations omitted). And the Court will not accept “the plaintiff’s version of the facts if they are ‘blatantly contradicted’ by video evidence.” *Id.* (cleaned up, citation omitted). Miller-Fields argues that the Court cannot consider the video exhibits without converting the motion to dismiss into a motion for summary judgment. The Court disagrees. “Videos of an incident are necessarily embraced by the pleadings, and [the Court] will consider the videos here.” *Ching*, 73 F.4th at 621; *see LeMay v. Mays*, 18 F.4th 283, 289-90 (8th Cir. 2021) (considering videos to assess whether a motion to dismiss should have been granted); *see also Crow v. Rasmussen*, No. 23-CV-2403 (KMM/TNL), 2024 U.S. Dist. LEXIS 82546, 2024 WL 2014211, at *3 (D. Minn. May 7, 2024) (“Where their authenticity and completeness are not in dispute, the Eighth Circuit and courts from this District have routinely held that body-worn videos like the ones here are ‘embraced by the pleadings’ and proper to

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consider on a motion to dismiss.” (collecting cases)). The Court views undisputed video footage in the light depicted by the footage. *Scott*, 550 U.S. at 381. The Court will, of course, construe inconclusive video evidence in Miller-Field’s favor. *Abdullah v. Lepinski*, No. 23-CV-121 (ECT/DTS), 2023 U.S. Dist. LEXIS 149737, 2023 WL 5515895, at *2 (D. Minn. Aug. 25, 2023).

II. Qualified Immunity

Seide seeks dismissal of the unlawful seizure and excessive force claims against him on the grounds of qualified immunity. Qualified immunity provides some protection to government officials against suits for civil damages. *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 73 L. Ed. 2d 396 (1982). In a Section 1983 action, “an officer is entitled to qualified immunity unless: (1) the officer’s conduct violated a constitutional right, and (2) that right was clearly established.” *Ching*, 73 F.4th at 620. To be a clearly established right, the “contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right.” *Dundon v. Kirchmeier*, 85 F.4th 1250, 1255 (8th Cir. 2023) (citation omitted). Miller-Fields need not identify “a case directly on point,” but “controlling authority or a robust consensus of persuasive authority must put the constitutional question ‘beyond debate.’” *Id.* (citation omitted). The “salient question” is whether the law at the time of the alleged violation gave Seide “fair warning” that his conduct was unconstitutional. *Tolan v. Cotton*, 572 U.S. 650, 656, 134 S. Ct. 1861, 188 L. Ed. 2d 895 (2014) (citation omitted).

*Appendix B***A. Unreasonable Seizure**

Miller-Fields argues that Seide unreasonably seized Cobb when he: (1) extended the traffic stop to investigate the protective order; (2) attempted to arrest Cobb; (3) physically grabbed Cobb; and (4) rammed Cobb's vehicle with his squad car. (ECF No. 75 at 14; *see* Compl. ¶ 57(a)-(c), (g).) The Court addresses the first two bases below. Because the last two bases also underlie Miller-Fields' excessive-force claim, they are addressed separately.

To establish a Fourth Amendment violation, Miller-Fields must show that "a seizure occurred and that the seizure was unreasonable." *Dundon*, 85 F.4th at 1255. "Once the predicate facts are established, the reasonableness of the official's conduct under the circumstances is a question of law." *Howard v. Kan. City Police Dep't*, 570 F.3d 984, 989 (8th Cir. 2009) (citation omitted)).

Extended traffic stop. Miller-Fields concedes that the traffic stop was lawful at its inception, (ECF No. 75 at 14 n.5), but asserts that Seide impermissibly extended the stop to investigate the felony OFP violation. "[A] police stop exceeding the time needed to handle the matter for which the stop was made violates the Constitution's shield against unreasonable seizures." *Rodriguez v. United States*, 575 U.S. 348, 350, 135 S. Ct. 1609, 191 L. Ed. 2d 492 (2015). "Whether the duration of the stop is reasonable is determined by the seizure's 'mission,' and law enforcement must be 'reasonably diligent' in carrying out that mission." *United States v. Magallon*, 984 F.3d 1263, 1278 (8th Cir. 2021) (citing *Rodriguez*, 575 U.S.

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at 354, 357). An officer may extend a traffic stop if he develops “reasonable suspicion of criminal activity,” that is, if the officer has “a particularized and objective basis for suspecting legal wrongdoing.” *United States v. Allen*, 43 F.4th 901, 907 (8th Cir. 2022) (citation omitted). The officer “must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant further investigation.” *Id.* at 907-08 (quotation marks and citation omitted); *see also Terry v. Ohio*, 392 U.S. 1, 21, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968). The Court considers the totality of the circumstances in determining whether an officer had reasonable suspicion to extend a stop. *Id.* at 908.

Seide had reasonable suspicion that Cobb engaged in criminal activity warranting further investigation. The complaint acknowledges that Seide had reasonable suspicion that Cobb had a felony OFP violation. (Compl. ¶ 62 (alleging that neither Londregan nor Seide “had reasonable suspicion that Decedent Cobb had committed any crime *other than a protective order violation*” (emphasis added).) Seide had received the information alert reporting that Cobb was wanted for a “felony OFP violation”⁵ and instructing officers to “hold subject and contact Ramsey County Sheriff’s Office.” (Ex. 2 at 1:59:06-

5. Under Minnesota’s Domestic Abuse Act, a person who violates an OFP is guilty of a felony if the person violates the Act:

- (1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or
- (2) while possessing a dangerous weapon

Minn. Stat. § 518B.01, subdiv. 14(d).

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26; *see* Compl. ¶ 13 (noting there was no outstanding arrest warrant).) “In deciding whether there is reasonable suspicion [to conduct a traffic stop], an officer may rely on information provided by other officers as well as any information known to the team of officers conducting the investigation.” *United States v. Guzman*, 926 F.3d 991, 997 (8th Cir. 2019) (quotation marks and citation omitted). Seide then confirmed Cobb was the subject of the information alert. Based on the alert and positive identification of Cobb, Seide had articulable suspicion to justify reasonably extending the traffic stop for further investigation as to whether Cobb should be arrested for the OFP violation.

Miller-Fields argues that Seide unreasonably seized Cobb by extending the traffic stop longer than necessary to determine whether Cobb should be arrested, and by failing to act diligently in making this determination. She notes that Seide told Erickson he was “just sitting here buying time” while waiting for RCSO to contact him. (Ex. 2 at 1:59:01.) Seide expressed concern that Cobb would be suspicious about how long they were waiting to hear from RCSO, and asked Erickson to talk with Cobb to stall for time. (*Id.* at 2:09:56-2:10:49.) Miller-Fields contends that once Seide concluded there was a possible OFP violation, he continued to unreasonably delay the stop to ask if he should take Cobb to jail because the alert was unclear. (ECF No. 75 at 16-17.) She argues that Seide’s concern about how long the OFP inquiry was taking shows that the inquiry took longer than necessary. (*Id.* at 17.)

“Whether a particular detention is reasonable in length is a fact-intensive question, and there is no *per se*

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time limit on all traffic stops.” *United States v. Olivera-Mendez*, 484 F.3d 505, 510 (8th Cir. 2007). In assessing whether a detention is too long, courts consider whether the officer “diligently pursued a means of investigation that was likely to confirm or dispel their suspicions quickly, during which time it was necessary to detain the [suspect].” *United States v. Sharpe*, 470 U.S. 675, 686, 105 S. Ct. 1568, 84 L. Ed. 2d 605 (1985) (citation omitted). The videos show that Seide was reasonably diligent in carrying out his mission of determining whether Cobb should be arrested for the felony OFP violation. Seide first approached Cobb’s car and asked him for his license and registration, informed him why he had been stopped, and asked where he was coming from. (Ex. 2 at 1:52:21-1:58:34.) Seide returned to his squad car, reviewed the information alert, confirmed that Cobb was the subject of the alert, and radioed dispatch to contact RCSO about Cobb, per the alert’s instruction. Two minutes later, dispatch told Seide that a sergeant would contact him “shortly.” (*Id.* at 2:04:35-44.) After waiting about nine minutes for RCSO to respond, he received that call. During the two-minute call, Seide confirmed that he was to arrest Cobb for a felony OFP violation and take him to Ramsey County Jail for booking. (*Id.* at 2:13:01-15:07.) The Court concludes that Seide acted diligently in confirming that Cobb was to be arrested for the OFP violation. *See United States v. Murillo-Salgado*, 854 F.3d 407, 416 (8th Cir. 2017) (concluding that a traffic stop was not unlawfully prolonged where the video recording of the 23-minute stop showed that the officer “spent that time asking permissible questions . . . , attempting to corroborate the responses to those questions, *placing calls to dispatch, waiting*

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for responses to verify [defendants'] identification and criminal history, and entering information into the patrol car's computer" (emphasis added)). Miller-Fields suggests that Seide should have done something other than waiting for RCSO to contact him, but "[t]he question is not simply whether some other alternative was available, but whether the police acted unreasonably in failing to recognize or to pursue it." *Sharpe*, 470 U.S. at 687.

Moreover, once Seide confirmed Cobb was to be arrested, he proceeded expeditiously. Within a few minutes, Seide exited his squad car, told the other troopers the plan, approached Cobb's car, repeatedly asked Cobb to step out of it, and finally told Cobb that he was under arrest. Miller-Fields cites no authority to suggest that the length of the stop—roughly 20 minutes by her count—was unreasonable. *Cf. Murillo-Salgado*, 854 F.3d at 416 (holding that a 23-minute traffic stop was not unlawfully prolonged).

Attempted warrantless arrest. Next, Miller-Fields argues that the seizure was unreasonable because Seide did not have probable cause to arrest Cobb. "A warrantless arrest is consistent with the Fourth Amendment if it is supported by probable cause" that a crime has been committed, and "an officer is entitled to qualified immunity if there is at least 'arguable probable cause.'" *Borgman v. Kedley*, 646 F.3d 518, 522-23 (8th Cir. 2011) (citation omitted). "Probable cause [for a warrantless arrest] exists when the facts and circumstances within an officer's knowledge are sufficient to lead a person of reasonable caution to believe that the suspect has committed or is

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committing a crime.” *Bernini v. City of St. Paul*, 665 F.3d 997, 1003 (8th Cir.2012) (citing *Brinegar v. United States*, 338 U.S. 160, 175-76, 69 S. Ct. 1302, 93 L. Ed. 1879 (1949)).

“Whether probable cause exists depends upon the reasonable conclusion to be drawn from the facts known to the arresting officer at the time of the arrest.” *Just v. City of St. Louis*, 7 F.4th 761, 767 (8th Cir. 2021) (citation omitted). Officers are afforded “substantial latitude in interpreting and drawing inferences from factual circumstances,” and “where the officers act on a mistaken belief that probable cause exists, if that mistake is ‘objectively reasonable,’ arguable probable cause exists and the officers are entitled to qualified immunity.” *Id.* (citations omitted).

Seide does not assert that he personally determined that probable cause existed to arrest Cobb. Instead, he maintains that he reasonably relied on the RCSO’s probable-cause determination. “Generally, an assisting officer is entitled to rely on the probable cause determination of the arresting officer and may receive qualified immunity as long as the reliance is reasonable.” *Ehlers v. City of Rapid City*, 846 F.3d 1002, 1010 (8th Cir. 2017).

As explained above, after Seide spoke with Cobb, he reviewed the information alert and confirmed Cobb’s identity. Seide then asked dispatch to contact RCSO, and several minutes later, Seide received a call from RSCO.⁶

6. Miller-Fields also argues that Seide did not have probable cause because he did not immediately arrest Cobb upon reviewing the information alert. Seide decided to arrest Cobb after he spoke

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The videos did not record the caller's words, but Seide's side of the conversation makes it clear that RCSO directed Seide to arrest Cobb and bring him to Ramsey County Jail.⁷

Seide told the caller that he had Cobb stopped in his vehicle; he did not mention arresting Cobb. After a pause—during which the Court reasonably infers that the caller was speaking—Seide said, “Alright, yeah,” he would arrest Cobb, and asked what the caller “want[ed] to do for transport.” After another pause, Seide responded, “Ramsey County Jail? I can do that. And then do you want me to meet a squad there? Or how do you want me to do booking? [pause] Yeah, I can book him under felony OFP.” Seide requested the case number, wrote it down and repeated it, then stated, “I’ll go arrest him, and then I’ll bring him to Ramsey County Jail” and asked which case number to use. He paused a few more times, listening to the caller and responding, “ok,” “yep,” “sounds good.” (Ex.

with RCSO, so the Court need not determine whether he could have arrested Cobb based solely on the alert. *See Ulrich v. Pope Cnty.*, 715 F.3d 1054, 1059 (8th Cir. 2013) (“Probable cause to make a warrantless arrest exists ‘when the totality of the circumstances at the time of the arrest are sufficient to lead a reasonable person to believe that the defendant has committed or is committing an offense.’” (citation omitted)).

7. Miller-Fields argues that the one-sidedness of the conversation precludes dismissal because “[f]or all anyone knows, [Seide] may have been told that the 72 hours had just lapsed and announced he would arrest Cobb anyway.” (ECF No. 75 at 24.) Having viewed the videos repeatedly, the Court declines to make this unreasonable inference.

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2 at 2:13:01-15:07 (also showing Seide writing on paper when repeating the case number); Ex. 1 at 2:13:00-15:05.) Seide then exited his squad car and told the other troopers that Ramsey County wanted Cobb arrested and brought to Ramsey County Jail. He returned to Cobb's car and repeatedly asked Cobb to exit his car and give Seide the car keys. After Cobb disregarded his repeated orders, Seide tried to arrest Cobb.

The videos suggest that Seide reasonably relied on the RCSO's determination of probable cause to arrest Cobb. *See generally United States v. Williams*, 429 F.3d 767, 771-72 (8th Cir. 2005) (deciding that the collective knowledge of the investigative team "was imputed to the officer at the scene when he received [a sergeant's] radioed request" to stop a vehicle suspected of containing controlled substances). The complaint alleges no facts suggesting otherwise.

Miller-Fields argues that Seide did not have probable cause to believe that Cobb knew of the OFP. Minnesota's Domestic Abuse Act mandates an arrest for a felony OFP violation only if the officer has "probable cause that the person *knows* of the existence of the order."⁸ Minn. Stat. § 518B.01, subdiv. 14(e) (emphasis added). During the call, Seide confirmed that Cobb was to be booked under "felony

8. Minnesota's Domestic Abuse Act appears to mandate the arrest where probable cause is met: "[a] peace officer *shall* arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order [of protection] granted pursuant to this section" Minn. Stat. § 518B.01, subdiv. 14(e) (emphasis added).

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OFP,” reasonably inferring the RCSO had made the required probable-cause determination, including Cobb’s knowledge of the OFP. *See United States v. Briley*, 726 F.2d 1301, 1305 (8th Cir. 1984) (“Probable cause is based on the collective knowledge of all the officers involved.”). Miller-Fields cites no authority suggesting that Seide had a duty to verify the RCSO’s probable-cause determination. *Cf. Doran v. Eckold*, 409 F.3d 958, 965 (8th Cir. 2005) (en banc) (holding that an officer assigned to operate a battering ram “had no constitutional duty to verify” the supervising officer’s decision to execute a no-knock entry based on “the settled principle that law enforcement officers may rely on information provided by others in the law enforcement community, so long as the reliance is reasonable” (collecting cases)); *see generally United States v. Robinson*, 664 F.3d 701, 704 (8th Cir. 2011) (“We have never required that all the relevant collective knowledge of the team be communicated to the officer who made the stop, the arrest, or the search at issue.”).

Miller-Fields also contends that there are factual questions about whether probable cause to arrest existed. She argues that discovery is needed on various fact issues, including: (1) the identity of the dispatcher and RCSO caller; (2) what was said in the conversations between Seide, dispatch, and RCSO; (3) the OFP terms; (4) the alleged OFP violation, including when it allegedly occurred; and (5) whether Cobb was aware of the OFP. (ECF No. 75 at 19.) The Court finds such discovery to be unnecessary. *See Hosea v. City of St. Paul*, 867 F.3d 949, 955 (8th Cir. 2017) (“Probable cause is a question of law that is determined at the moment the arrest is made, and

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‘any later developed facts are irrelevant to the probable cause analysis.’” (citation omitted)). The video recordings amply support that Seide had arguable probable cause to arrest Cobb because Seide reasonably relied on the RCSO’s probable-cause determination, even if that probable-cause determination was mistaken. *See Just*, 7 F.4th at 767-68. At a minimum, the Court concludes that even if Seide were “mistaken that probable cause existed, that mistake was ‘objectively reasonable’ and arguable probable cause exists, entitling [him] to qualified immunity.” *Id.* at 768 For these reasons, Seide is entitled to qualified immunity on these unreasonable seizure claims.

Clearly established right. Even if Miller-Fields alleged a constitutional violation, Seide is entitled to qualified immunity because his conduct did not “violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Harlow*, 457 U.S. at 818. “An officer violates a clearly established right only if a reasonable officer in the same position would understand his conduct violates the right.” *Ching*, 73 F.4th at 620. The Court “must not ‘define clearly established law at a high level of generality.’” *Id.* (citation omitted). In determining whether Miller-Fields identified a clearly established right, the Court “look[s] for a controlling case or a robust consensus of cases of persuasive authority that involves sufficiently similar facts to squarely govern the conduct at issue and places the question beyond debate.” *Id.* (quotation marks omitted) (citing *Ashcroft v. Al-Kidd*, 563 U.S. 731, 741, 131 S. Ct. 2074, 179 L. Ed. 2d 1149 (2011)). “The plaintiff bears the burden of proving that the law was clearly established.” *Hess v. Ables*, 714 F.3d 1048, 1051 (8th Cir. 2013).

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As noted above, Miller-Fields has not cited any authority with “similar facts” that hold “beyond debate” that Seide violated a clearly established rights when he extended the traffic stop or attempted to arrest Cobb. *Ching*, 73 F.4th at 620. Instead, she cites caselaw for general propositions, such as that a warrantless arrest unsupported by probable cause violates the Fourth Amendment. (ECF No. 75 at 23-24.) This does not suffice: “[a] defendant cannot be said to have violated a clearly established right unless the right’s contours were sufficiently definite that any reasonable official in the defendant’s shoes would have understood that he was violating it.” *Kruger v. Nebraska*, 820 F.3d 295, 302 (8th Cir. 2016) (citation omitted) (affirming grant of motion to dismiss because right was not clearly established).

Miller-Fields also cites Minnesota’s felony OFP statute, which requires that an officer have probable cause to arrest for a felony OFP violation, including probable cause that the party knew of the existence of the OFP. Minn. Stat. § 518B.01, subdiv. (14)(e). But she cites no authority clearly establishing that an arresting officer must personally confirm with the party that the party knew of the OFP, even where the officer received an alert and confirmed with the related law enforcement agency that the party was to be arrested for a felony OFP violation. *Cf. Doran*, 409 F.3d at 965 (holding that an officer “had no constitutional duty to verify” the supervising officer’s decision to execute a no-knock entry because “officers may rely on information provided by others in the law enforcement community, so long as the reliance is reasonable”). This proclaimed duty is not clearly established.

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Because Seide did not violate any clearly established rights by extending the traffic stop or attempting to arrest Cobb at the time of the alleged violations, the Court grants Seide’s motion to dismiss the unreasonable-seizure claims based on qualified immunity. *See Story v. Foote*, 782 F.3d 968, 973 (8th Cir. 2015) (affirming dismissal of § 1983 claims because the purported right was not clearly established when plaintiff cited “no supporting case with analogous facts”).

B. Excessive Force

Miller-Fields also asserts unreasonable-seizure and excessive-force claims against Seide for (1) grabbing and attempting to wrestle Cobb out of his car and (2) “ramm[ing]” Cobb’s car with Seide’s squad car. (Compl. ¶¶ 57(c), 57(g), 77-78, 80.) The analysis is similar to the analysis of unreasonable seizure: “Claims that an officer seized a person with excessive force ‘are properly analyzed under the Fourth Amendment’s objective reasonableness standard.’” *Arnold v. McClinton*, 112 F.4th 598, 602 (8th Cir. 2024) (citing *Wallace v. City of Alexander*, 843 F.3d 763, 768 (8th Cir. 2016)). In determining whether a particular use of force was objectively reasonable, courts consider the circumstances of each case, including “the severity of the crime at issue,” whether the suspect “is actively resisting arrest or attempting to evade arrest by flight,” and “whether the suspect poses an immediate threat to the safety of the officer or others.” *Wertish v. Krueger*, 433 F.3d 1062, 1066 (8th Cir. 2006) (citation omitted).

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The complaint alleges that “Cobb was an unarmed man stopped for a minor traffic violation, had no outstanding warrants, and was not threatening or acting violently towards the officers on scene.” (Compl. ¶ 77; *see also id.* ¶¶ 57(a)-(d) (alleging unlawful seizure based on similar factual allegations).) It also alleges that Seide and Londregan neither attempted any de-escalation techniques nor attempted to determine whether Cobb was armed or posed any danger to himself or others before Seide attempted to wrestle Cobb out of the car and hit Cobb’s car with his squad car. (*Id.* ¶¶ 79-80.) The video recordings establish a different fact pattern.

First, Cobb’s initial traffic stop was for a minor traffic violation. But by the time of Seide tried to extract Cobb from his car, it was no longer merely a traffic stop: it was an arrest based on Cobb’s alleged felony OFP violation, which mandates arrest under Minnesota law. Minn. Stat. § 518B.01, subdiv. 14(e). The situation was thus far more serious than a traffic stop.

Second, Cobb ignored Seide’s repeated requests for him to exit the car and give up the car keys—an uncooperative response to Seide’s attempts at de-escalation. Relatedly, the videos show that when Seide told Cobb that he was under arrest, Cobb took steps that an officer would reasonably believe were an attempt to flee: he shifted the gears of his car from park into drive, and the car began moving forward. Miller-Fields argues that Cobb was not physically resisting arrest. (ECF No. 75 at 26-27.) The Court thinks otherwise; fleeing an arrest in a

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motor vehicle can certainly be characterized as physical resistance to arrest. Cobb took action to flee the scene immediately after Seide told him that he was executing a lawful arrest. The troopers were not required to discern Cobb's motivations for shifting the car into drive. *See Neal v. Ficcadenti*, 895 F.3d 576, 581 (8th Cir. 2018) ("Law enforcement officers are not required to read a suspect's motivations in failing to obey commands—it is enough that the officer reasonably perceives that the suspect is not following orders as given.").

Third, as for whether Cobb posed an immediate threat to the others' safety, "[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Lawyer v. City of Council Bluffs*, 361 F.3d 1099, 1105 (8th Cir. 2004) (citing *Graham*, 490 U.S. at 396-97). Miller-Fields argues that Cobb was not fleeing, but instead was startled by Londregan's entry into his car, causing his foot to move off the brake. (ECF No. 75 at 27.) This again is controverted by the video evidence, which shows Cobb shifting the car's gear into drive with his hand. Even if Cobb "actually posed no danger," the Court is only to consider "*objective* reasonableness based on the circumstances at the time." *Ransom v. Grisafe*, 790 F.3d 804, 812 (8th Cir. 2015). Given all of the factors present, it was objectively reasonable for Seide to view Cobb's actions as an immediate threat to the safety of Londregan and the motorists on the highway.

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Grabbing and attempting to wrestle Cobb. Miller-Fields next contends that by reaching into the car and “grabb[ing]” and “attempt[ing] to wrestle Decedent Cobb out of the vehicle,” Seide effectuated an illegal seizure and use of excessive force. (Compl. ¶¶ 57(c), 77.) Officers may use reasonable force to remove a driver who disregards orders to exit a car, particularly where they are affecting a lawful arrest. *See Chambers v. Pennycook*, 641 F.3d 898, 907 (8th Cir. 2011) (“Police officers undoubtedly have a right to use some degree of physical force, or threat thereof, to effect a lawful seizure.”); *Wertish*, 433 F.3d at 1066-67 (8th Cir. 2006) (“When a suspect is passively resistant, somewhat more force may reasonably be required. [Plaintiff] would not exit the truck, so it was reasonable to pull him out and take him to the ground.”); *Foster v. Metro. Airports Comm’n*, 914 F.2d 1076, 1082 (8th Cir. 1990) (concluding that an officer’s use of force to pull a suspect from his car and handcuff him was reasonable after he resisted the request to get out of a car). The videos show that Seide leaned into Cobb’s car and reached over Cobb toward his seatbelt only after Cobb ignored multiple requests to exit the car and give Seide the car keys, and after Seide told Cobb he was under arrest. The Court concludes that Seide acted objectively reasonably in attempting to extract Cobb from his car.

“Ramming” Cobb’s car. Miller-Fields also alleges that Seide unreasonably seized and used excessive force against Cobb by “ramming” his stopped car after the shooting. (Compl. ¶¶ 57(g), 80.) The videos show no such “ramming.” Instead, they show that Seide’s squad car

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decelerated as it approached Cobb's slowly moving car before bumping it to a stop. (Ex. 1 at 2:17:58-2:18:10.)

Courts have found no violation of the Fourth Amendment when officers used squad cars to hit a suspect's vehicle to box in the suspect, because a reasonable officer could have believed that the suspect was fleeing from officers and threatened the safety of others unless they were stopped. *See, e.g., Jackson v. Brooklyn Ctr.*, No. 21-CV-2072 (SRN/DJF), 2023 U.S. Dist. LEXIS 36454, 2023 WL 2368032, at *11 (D. Minn. Mar. 6, 2023), *aff'd*, No. 23-1678, 2023 U.S. App. LEXIS 27850, 2023 WL 6876550 (8th Cir. Sept. 28, 2023); *Nunn v. City of Woodbury*, No. 05-CV-632 (ADM/JSM), 2006 U.S. Dist. LEXIS 92601, 2006 WL 3759748, at *8 (D. Minn. Dec. 21, 2006) ("In the totality of the circumstances, [the officer's] actions of ending the pursuit by pushing [the suspect's] car into a snow bank after hitting [the suspect's] almost-stopped car with his squad car traveling approximately twenty miles per hour was objectively reasonable."). At the time Seide's squad car hit Cobb's car, Seide had at least arguable probable cause to arrest Cobb for the felony OFP violation, as well as for resisting arrest, Minn. Stat. § 609.50, subdiv. 1(1)-(2), and for fleeing arrest in a motor vehicle. Minn. Stat. § 609.487, subdiv. 3. In addition, given the close-range gun shots, it is reasonable to infer that Seide believed that Cobb was wounded, so Cobb's continued driving could be a danger to himself or the public. (*See* Compl. ¶ 78 (alleging that Seide rammed Cobb's car "despite . . . Cobb's gunshot wounds").) Given these facts, the Court finds that Seide's use of his squad car to stop Cobb's car was not objectively unreasonable.

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Clearly established right. “Use of excessive force is an area of the law in which the result depends very much on the facts of each case, and thus police officers are entitled to qualified immunity unless existing precedent squarely governs the specific facts at issue.” *Sok Kong Tr. for Map Kong v. City of Burnsville*, 960 F.3d 985, 992 (8th Cir. 2020) (citing *Kisela v. Hughes*, 584 U.S. 100, 104, 138 S. Ct. 1148, 200 L. Ed. 2d 449 (2018)). “This means that the right in question must be construed fairly narrowly and that facts in the present case must align with facts in precedent.” *Rusness v. Becker Cnty.*, 31 F.4th 606, 615 (8th Cir. 2022) (citation omitted). Miller-Fields offers no factually similar case for her attempt-to-wrestle claim. As for her “ramming” claim, Miller-Fields argues that the law is clearly established that officers may not use force against an “incapacitated individual.” (ECF No. 75 at 31.) None of the cases she cites involve an officer using a squad car to hit an individual’s car after the individual fled and was likely incapacitated while driving a vehicle.⁹ Miller-Fields has failed to show that either excessive force

9. The cases Miller-Fields relies on involve very different factual scenarios; none involve vehicles. *See Madison v. City of Minneapolis*, No. 02-CV-4257 (JRT/FLN), 2004 U.S. Dist. LEXIS 13944, 2004 WL 1630953, *6 (D. Minn. July 15, 2004) (“[G]ratuitously kicking plaintiff after plaintiff was on the floor, was clearly injured, and presented no further threat to the officers would be objectively unreasonable and present a violation of the Fourth Amendment.”); *Est. of Jones by Jones v. City of Martinsburg*, 961 F.3d 661, 669 (4th Cir. 2020) (alleging plaintiff was tased multiple times, hit, kicked, and placed in a choke hold); *Motley v. Parks*, 432 F.3d 1072, 1089 (9th Cir. 2005) (“Any reasonable officer should have known that holding an infant at gunpoint constituted excessive force.”), *overruled on other grounds by United States v. King*, 687 F.3d 1189 (9th Cir. 2012)).

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claim violated a clearly established right. Indeed, under the case law cited above, Seide did not violate a clearly established right when he “attempted to wrestle” with Cobb and hit Cobb’s car with his squad car.

For these reasons, the Court concludes that Seide is entitled to qualified immunity for Miller-Fields’ unreasonable seizure and excessive force claims.

CONCLUSION

Based on the above and on all the files, records, and proceedings herein, Brett Seide’s motion to dismiss (ECF No. 61) is GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 21, 2025

BY THE COURT:

/s/ Nancy E. Brasel
Nancy E. Brasel
United States District Judge

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**APPENDIX C — ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF
MINNESOTA, FILED OCTOBER 30, 2024**

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No. 24-CV-1372 (NEB/TNL)

NYRA JEAN MILLER-FIELDS, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF RICKY COBB, II,

Plaintiff,

v.

RYAN LONDREGAN AND BRETT SEIDE,

Defendants.

**ORDER ON RYAN LONDREGAN’S MOTION
TO DISMISS**

Minnesota State Troopers Brett Seide and Ryan Londregan took part in a traffic stop that led to the fatal shooting of Ricky Cobb, II. The personal representative of Cobb’s estate sued Seide and Londregan, asserting claims of unreasonable seizure and use of excessive force. Londregan now moves to dismiss the claims against him. For the reasons below, Londregan’s motion to dismiss (ECF No. 28) is granted.

*Appendix C***BACKGROUND¹**

Around 1:52 a.m. on July 31, 2023, Minnesota State Trooper Brett Seide pulled over Ricky Cobb on Interstate 94 in Minneapolis for driving at night without his headlights on. (Compl. ¶¶ 8, 11; Ex. 2 at 1:52:00.) Seide spoke with Cobb, who remained in his car. (Compl. ¶ 10.) Trooper Garrett Erickson² arrived on scene around 1:53 a.m., (Ex. 3 at 1:53:36), and Seide returned to his squad car. (Compl. ¶ 10.)

1. The Court takes all factual allegations in the complaint as true on a motion to dismiss, *Smithrud v. City of St. Paul*, 746 F.3d 391, 397 (8th Cir. 2014), but is not obligated “to accept a version of events that is ‘blatantly contradicted by the record.’” *Ching ex rel. Jordan v. City of Minneapolis*, 73 F.4th 617, 621 (8th Cir. 2023) (citation omitted). In support of his motion, Londregan submits the body camera and squad car videos from Seide, Londregan, and Erickson that recorded the material events. (ECF Nos. 32-33 (Hennen Decl. Exs. 1-6, filed conventionally and under seal).) Although Miller-Fields objects to their consideration, she does not challenge their authenticity or completeness, and cites them in her response brief. The Court will consider these video recordings because they are “necessarily embraced by the pleadings.” *Ching*, 73 F.4th at 621; see *Crow v. Rasmussen*, No. 23-CV-2403 (KMM/TNL), 2024 U.S. Dist. LEXIS 82546, 2024 WL 2014211, at *3 (D. Minn. May 7, 2024) (“Where their authenticity and completeness are not in dispute, the Eighth Circuit and courts from this District have routinely held that body-worn videos like the ones here are ‘embraced by the pleadings’ and proper to consider on a motion to dismiss.” (collecting cases)). The video exhibits are cited as “Ex. .” The Court also notes that the videos are time-stamped, and there is a slight difference in their time stamp appearing to be approximately one-tenth of one second off. The Court considered this slight difference when viewing the videos.

2. The complaint refers to a “Trooper Doe.” (*E.g.*, Compl. ¶ 12.) The parties agree and the video recordings confirm that “Trooper Doe” is Erickson.

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Seide was then alerted to a protection order involving Cobb. (*See* Compl. ¶ 13; Ex. 2 at 1:59:06-26 (reading aloud from his in-car computer, “Information alert, attempt to locate . . . wanted for felony OFP violation. If locate, hold subject and contact Ramsey County Sheriff’s Office” (“RCSO”).) Seide discussed the situation with Erickson. (Compl. ¶ 12; *see* Ex. 2 at 2:00:46-2:01:00.) Seide then radioed dispatch and asked them to contact the RCSO to determine how they wanted them to handle the alert. (Compl. ¶ 14; Ex. 2 at 2:02:05-14.) Two minutes later, dispatch radioed Seide that a sergeant would contact him “shortly.” (Ex. 2 at 2:04:35-44.)

Trooper Ryan Londregan arrived on scene around 2:11 a.m. (Compl. ¶ 8.) After Londregan arrived, Seide told Londregan that Cobb was wanted for a felony order of protection (“OFP”) violation in Ramsey County and that Cobb was “a little sketchy.” (*Id.* ¶ 13; Ex. 1 at 2:11:52-57; Ex. 2 at 2:11:53-58.) Londregan asked if Cobb “was amped,” and Seide agreed that he was. (Ex. 2 at 2:12:08-10.) Londregan asked, “Why? He knows he’s subject of . . .”; Seide interjected, “Well no, he’s just been having a rough night . . .” (*Id.* at 2:12:13-16.) Seide explained that he was waiting for RCSO to tell him what they wanted him to do about Cobb, and that he did not want to arrest Cobb or use force without hearing from RCSO. (Compl. ¶ 14; Ex. 2 at 2:12:32-58.) Londregan noted that the alert “says hold, but still, go ahead, yeah.” (Ex. 6 at 2:12:58-2:13:00.) Seide received a call from the RCSO, after which he told the other troopers that Ramsey County wanted Cobb arrested and brought to jail. (Compl. ¶ 16; Ex. 2 at 2:13:01-48.)

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After a brief discussion between the troopers, Seide approached the driver side of Cobb's car, Londregan approached the passenger side, and Erickson stood near the back-left of the vehicle. (Compl. ¶ 17.) As the troopers approached, Cobb's car was in park with its doors locked and the front windows down. (*Id.* ¶ 18.) Seide repeatedly asked Cobb to step out of the vehicle because they had "some stuff to talk about" regarding Ramsey County. (*Id.* ¶¶ 19-24; Ex. 2 at 2:15:45-2:16:49.) Cobb asked if Seide was talking about "that sh*t with Terry Young." (Ex. 2 at 2:16:13-15.) Seide also repeatedly asked Cobb to hand him the keys to the car. (*Id.* at 2:16:07-37.) Cobb did not exit the car or give Seide the car keys; instead, he repeatedly asked "why" and twice stated that he would call his attorney. (Compl. ¶¶ 19-24; Ex. 2 at 2:15:53-2:16:56.) At one point, Cobb asked if there was a warrant for his arrest; Seide confirmed there was no warrant. (Compl. ¶ 21; Ex. 2 at 2:16:15-18.) During this exchange, Cobb's hands were in the air in full view of the troopers as he gestured while talking and his car remained in park. (Compl. ¶ 25.)

After several unheeded orders for Cobb to get out of the car, Seide said, "this is now a lawful arrest." (*Id.* ¶ 24; Ex. 2 at 2:16:56-59.) What happened next occurred in mere seconds, and it took this Court many views of the videos in slow-motion to determine the order of events.

As Seide said the word "arrest," Londregan, still at the passenger side across from Cobb and Seide, moved his hand inside the passenger door, unlocked the car doors, and began opening the passenger-side door. (Compl. ¶ 27; Ex. 2 at 2:16:57-59; Ex. 5 at 2:16:58-2:17:00.) As Seide opened Cobb's driver-side door, Cobb placed his foot

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on the brake, moved his hand to the transmission shift, and shifted the car into drive. (Compl. ¶¶ 28-29; Ex. 2 at 2:16:59-2:17:03; Ex. 5 at 2:17:01-03.)

Cobb's car moved forward; Seide and Londregan moved with it. (Compl. ¶ 30; Ex. 1 at 2:16:59-2:17:03; Ex. 3 at 2:17:00-01.) Seide leaned inside the car and reached over Cobb toward his seatbelt buckle, in an attempt to remove Cobb from the car. (Compl. ¶ 31; Ex. 3 at 2:17:02-05; Ex. 5 at 2:17:03-04.) Seide was leaning at least half-way inside the car to accomplish this motion. (Ex. 3 at 2:17:02-05.) Cobb then stepped on the brake, stopping the vehicle's forward movement. (Compl. ¶ 32; Ex. 1 at 2:17:00-02; Ex. 3 at 2:17:02-03 (brake lights).)

Then the car began moving again, and Londregan pulled his firearm, pointed it at Cobb, and shouted, "Get out of the car now!" (Compl. ¶¶ 32, 34-35; Ex. 1 at 2:17:01-04 (no brake lights when Londregan shouts); Ex. 3 at 2:17:03-04 (same); Ex. 5 at 2:17:03-04.) While Londregan was shouting, Seide was still leaning inside the car trying to reach Cobb's seatbelt, as Cobb took his foot off the brake and the car began moving forward. (Compl. ¶ 35; Ex. 1 at 2:17:02-04; Ex. 3 at 2:17:03-04; Ex. 5 at 2:17:04-05.)

Londregan's body-worn camera video shows that Cobb raised his right hand from the gear shift.³ (Ex. 5 at 2:17:05.)

3. Londregan asserts that Cobb "attempted to grab his gun." (ECF No. 31 at 7 (citing Ex. 5 at 2:17:05).) Cobb raised his arm from the gear shift, but to the Court's eye, Londregan's body camera video does not confirm that he attempted to grab the gun, so the Court will not consider Londregan's assertion on this point. *See Abdullah v. Lepinski*, No. 23-cv-121 (ECT/DTS), 2023 U.S. Dist. LEXIS 149737,

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Within tenths of a second after Londregan yelled the word “now,” he fired his handgun twice at Cobb’s torso, striking him twice. (Compl. ¶ 35; Ex. 1 at 2:17:03-04 (gunshots heard, brake lights off); Ex. 5 at 2:17:04-05.) The car was moving when Londregan shot Cobb.

After Londregan shot Cobb, Cobb’s vehicle began to accelerate with Seide still partially inside the car. (Compl. ¶ 36; Ex. 1 at 2:17:04-05; Ex. 3 at 2:17:04-05.) Seide was dragged for a moment before he and Londregan fell away from the car. (Compl. ¶ 37; Ex. 1 at 2:17:04-08; Ex. 3 at 2:17:05-06; *see* Ex. 2 at 2:17:20-21 (Seide saying that he “got f***ing dragged”).) Cobb’s car continued onto Interstate 94. (Compl. ¶ 38; Ex. 1 at 2:17:06-16.) The troopers ran to their squad cars and followed Cobb’s car, which traveled about one-quarter mile down the interstate and slowed to a stop next to the median. (Compl. ¶ 39; Ex. 1 at 2:17:17-2:18:08.)

The troopers caught up with Cobb and decelerated. Seide’s squad car hit the rear-passenger side of Cobb’s slowly moving car. (Ex. 1 at 2:18:07-08.) Londregan hit Cobb’s car in the front passenger side. (*Id.* at 2:18:08.) Defendants and others pulled Cobb from the car and attempted life-saving measures, without success. (Compl. ¶ 40.)

Nyra Jean Miller-Fields, individually and as personal representative of Cobb’s estate, sued Seide and Londregan, alleging claims under 42 U.S.C. Section 1983

2023 WL 5515895, at *2 (D. Minn. Aug. 25, 2023) (“Inconclusive video evidence must be construed in the plaintiff’s favor.”).

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for unreasonable seizure and use of excessive force in violation of the Fourth and Fourteenth Amendments.⁴ Londregan moves to dismiss the claims against him on the grounds of qualified immunity and failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

ANALYSIS**I. Legal Standard**

To survive a motion to dismiss under Rule 12(b)(6), the Court must accept as true all plausible factual allegations and draw all reasonable inferences for the non-moving party. *Smithrud*, 746 F.3d at 397. The Court “need not accept as true a plaintiff’s conclusory allegations or legal conclusions drawn from the facts.” *Waters v. Madson*, 921 F.3d 725, 734 (8th Cir. 2019). And the Court will not accept “the plaintiff’s version of the facts if they are ‘blatantly contradicted’ by video evidence.” *Id.* (citation omitted, cleaned up). Inconclusive video evidence can be considered on a motion to dismiss as embraced by the pleadings, and it will be construed in the plaintiff’s favor. *Ching*, 73 F.4th at 621; *Abdullah*, 2023 WL 5515895, at *2.

4. Only the Fourth Amendment applies here because Cobb was shot and killed, and so there was a “seizure.” See *Graham v. Connor*, 490 U.S. 386, 395, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989) (“[A]ll claims that law enforcement officers have used excessive force—deadly or not—in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard, rather than under a ‘substantive due process’ approach.”).

*Appendix C***II. Qualified Immunity**

Londregan seeks dismissal of the unlawful seizure and excessive force claims against him on the grounds of qualified immunity.⁵ Qualified immunity provides some protection against suits for civil damages against government officials. *See Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 73 L. Ed. 2d 396 (1982). In a Section 1983 action, “an officer is entitled to qualified immunity unless: (1) the officer’s conduct violated a constitutional right, and (2) that right was clearly established.” *Ching*, 73 F.4th at 620. To be a clearly established right, the “contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right.” *Dundon v. Kirchmeier*, 85 F.4th 1250, 1255 (8th Cir. 2023) (citation omitted). Miller-Fields need not identify “a case directly on point,” but “controlling authority or a robust consensus of persuasive authority must put the constitutional question ‘beyond debate.’” *Id.* (citation omitted). The “salient question” is whether the law at the time of the alleged violation gave Londregan “fair warning” that his conduct was unconstitutional. *Tolan v. Cotton*, 572 U.S. 650, 656, 134 S. Ct. 1861, 188 L. Ed. 2d 895 (2014).

5. Londregan also seeks qualified immunity for claims involving actions he did not take, citing allegations about Seide’s conduct. (ECF No. 31 at 10-11 (citing Compl. ¶¶ 11, 21-23, 31, 33, 35, 40, 57(a)-(c), (g)).) A defendant can only be held liable under Section 1983 for his own conduct. *See White v. Jackson*, 865 F.3d 1064, 1081 (8th Cir. 2017) (“To prevail on a § 1983 claim, a plaintiff must show each individual defendant’s personal involvement in the alleged violation.”). Because Section 1983 liability is personal, *White*, 865 F.3d at 1081, Londregan cannot be held liable for Seide’s actions. Any claims against Londregan for Seide’s actions will be dismissed.

*Appendix C***A. Unreasonable Seizure**

Miller-Fields asserts that Londregan unreasonably seized Cobb when he: (1) assisted Seide in arresting Cobb; (2) opened Cobb's passenger door and leaned into the car to remove him; (3) pointed his firearm at Cobb; (4) fatally shot Cobb; and (5) hit Cobb's car with his squad car.⁶ (Compl. ¶ 57(d)-(g); ECF No. 57 at 16.) The Court will address each of these actions under the law of unreasonable seizures first, except for the fatal shooting, which it will address with the excessive force claim. *See Sanders v. City of Minneapolis*, 474 F.3d 523, 526 (8th Cir. 2007).

To establish a Fourth Amendment violation, Miller-Fields must show that “a seizure occurred and that the seizure was unreasonable.” *Dundon*, 85 F.4th at 1255. “Once the predicate facts are established, the reasonableness of the official's conduct under the circumstances is a question of law.” *Howard v. Kan. City Police Dep't*, 570 F.3d 984, 989 (8th Cir. 2009) (citation omitted).

6. There was some dispute at the hearing about whether Miller-Fields pled a claim based on Londregan hitting Cobb's car after the shooting. Miller-Fields' brief acknowledged that while “both Defendants had rammed their squad cars into [Cobb's] vehicle,” the “ramming” claim is pled only for Seide. (ECF No. 57 at 7, 12-13.) The complaint alleges that Seide's squad car rammed Cobb's car; the videos show that Seide's and Londregan's squad cars both hit Cobb's car. (*Compare* Compl. ¶¶ 40, 78, 80, *with* Ex. 1 at 2:18:06-08; Ex. 6 at 2:18:09.) At the hearing Miller-Fields' counsel argued that the “ramming” allegation against Londregan is covered in the complaint by paragraph 57(g), so the Court will consider whether this action constituted an unreasonable seizure.

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To assess the reasonableness of an officer's conduct, the Court considers the totality of the circumstances and factors including "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight," as well as the result of the force. *Id.* (citation omitted). The Court determines the reasonableness of an officer's conduct from the "perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight," with "allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Id.* (citing *Graham*, 490 U.S. at 396-97).

Assisting with warrantless arrest. The first unreasonable seizure, according to Miller-Fields, is Londregan's assistance in the arrest. (ECF No. 57 at 16.) "A warrantless arrest is consistent with the Fourth Amendment if it is supported by probable cause" that a crime has been committed, and "an officer is entitled to qualified immunity if there is at least 'arguable probable cause.'" *Borgman v. Kedley*, 646 F.3d 518, 522-23 (8th Cir. 2011) (citation omitted). "Whether probable cause exists depends upon the reasonable conclusion to be drawn from the facts known to the arresting officer at the time of the arrest." *Just v. City of St. Louis*, 7 F.4th 761, 767 (8th Cir. 2021) (citation omitted). Officers are afforded "substantial latitude in interpreting and drawing inferences from factual circumstances," and "where the officers act on a

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mistaken belief that probable cause exists, if that mistake is ‘objectively reasonable,’ arguable probable cause exists and the officers are entitled to qualified immunity.” *Id.* (citations omitted). The existence of probable cause, and arguable probable cause, are questions of law determined at the time of the arrest, and later-developed facts are irrelevant to the analysis. *Hosea v. City of St. Paul*, 867 F.3d 949, 955, 956 (8th Cir. 2017).

It was not unreasonable for Londregan to rely on Seide, who in turn relied on RCSO’s probable cause determination. Indeed, the complaint acknowledges that Londregan and Seide at least had reasonable suspicion that Cobb had an OFP violation. (Compl. ¶ 62 (“Neither Defendant Londregan nor Defendant Seide had reasonable suspicion that Decedent Cobb had committed any crime *other than a protective order violation*.” (emphasis added).) The complaint also recognizes that Seide told Londregan that “Ramsey County wanted Decedent Cobb arrested and brought to jail.” (Compl. ¶ 16.) Video recordings confirm that Seide told Londregan that Cobb was “the guy they want for *felony* OFP violation.”⁷ (Ex. 1 at 2:11:52-56 (emphasis added); Ex 2 at 2:11:53-57 (same).) A protection-order alert sounded repeatedly in

7. Under Minnesota’s Domestic Abuse Act, a person who violates an OFP is guilty of a felony if the person violates the Act:

- (1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or
- (2) while possessing a dangerous weapon

Minn. Stat. § 518B.01, subdiv. 14(d).

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Londregan's squad car, and Londregan noted to Seide that the alert specified to "hold" Cobb. (Ex. 6 at 2:12:36-49, 2:12:58-2:13:00.) The videos show that Seide was the arresting officer, and that Londregan and Erickson were assisting him.

And, Minnesota's Domestic Abuse Act seems to mandate the arrest: it provides that "[a] peace officer *shall* arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order [of protection] granted pursuant to this section" Minn. Stat. § 518B.01, subdiv. 14(e) (emphasis added).

To be sure, that same statute also authorizes arrest only if the officer has "probable cause that the person *knows* of the existence of the order." *Id.* (emphasis added). Miller-Fields argues that Londregan did not have probable cause to believe that Cobb had knowledge of the OFP. As evidence for this proposition, she notes that Cobb repeatedly asked Seide "why" he was asked to get out of his car.

The Court finds this argument irrelevant as to Londregan, because he was reasonably relying upon the determination of other officers. "Generally, an assisting officer is entitled to rely on the probable cause determination of the arresting officer and may receive qualified immunity as long as the reliance is reasonable." *Ehlers v. City of Rapid City*, 846 F.3d 1002, 1010 (8th Cir. 2017) (citation omitted). Seide, with Londregan standing by, received the call from Ramsey County, after which

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Seide told the troopers that Ramsey County wanted them to arrest Cobb. (Ex. 2 at 2:12:13-2:12:58, 2:13:01-2:13:48; Compl. ¶ 16.) Londregan’s reliance on other officers’ probable-cause determination—which was supported by his understanding that the RCSO was asking for Cobb to be held—was reasonable. *See Doran v. Eckold*, 409 F.3d 958, 965 (8th Cir. 2005) (en banc) (holding that an officer assigned to operate a battering ram “had no constitutional duty to verify” the supervising officer’s decision to execute a no-knock entry based on “the settled principle that law enforcement officers may rely on information provided by others in the law enforcement community, so long as the reliance is reasonable”). Even if Londregan was “mistaken that probable cause existed, that mistake was ‘objectively reasonable’ and arguable probable cause exists, entitling [him] to qualified immunity.” *Just*, 7 F.4th at 768.

Opening Cobb’s car door and leaning in. The second unreasonable seizure alleged is that when Seide was telling Cobb that he was under arrest, “Londregan moved his hand into the inside of the passenger door, unlocked the vehicle’s doors, and began opening the passenger-side door.” (Compl. ¶ 27.) Londregan opened the door and leaned his torso inside the car, (*id.* ¶ 34), allegedly “to forcibly remove” Cobb from the car. (*Id.* ¶ 57(d).)

As for opening Cobb’s car door, “[a] person is seized within the meaning of the Fourth Amendment ‘when the officer, by means of physical force or show of authority, terminates or restrains [the person’s] freedom of movement.’” *Torres v. City of St. Louis*, 39 F.4th 494, 505 (8th Cir. 2022) (citation omitted). The videos show that

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Londregan did not touch Cobb before the shooting. And Cobb's shifting the car gear into drive shows that Cobb did not submit to the troopers' show of authority. "[B]ecause there was no application of physical force or acquiescence to a show of authority," *id.* at 506, Londregan opening the car door is not a seizure for purposes of the Fourth Amendment.

As for leaning into the car to forcibly remove Cobb, officers may use reasonable force to remove a driver who disregards orders to exit a car, particularly where they are affecting a lawful arrest. *See Chambers v. Pennycook*, 641 F.3d 898, 907 (8th Cir. 2011) ("Police officers undoubtedly have a right to use some degree of physical force, or threat thereof, to effect a lawful seizure."); *Foster v. Metro. Airports Comm'n*, 914 F.2d 1076, 1082 (8th Cir. 1990) (concluding that an officer's use of force to pull a suspect from his car and handcuff him was reasonable after he resisted the request to get out of a car). Londregan's conduct was reasonable.⁸

8. The complaint alleges that Londregan knew that attempting to place parts of his body inside Cobb's moving car violated state trooper policy. (Compl. ¶ 61.) To the extent that leaning into a car violates policy, "[a]cting contrary to training does not itself negate qualified immunity so long as a reasonable officer could have believed that his conduct was justified." *Sok Kong Tr. for Map Kong v. City of Burnsville*, 960 F.3d 985, 993 (8th Cir. 2020) (cleaned up, citation omitted). Miller-Fields acknowledges as much, explaining that her allegations about policy merely provide context and are to be considered under the totality of the circumstances. (ECF No. 57 at 14-15); *see Walton v. Dawson*, 752 F.3d 1109, 1122 (8th Cir. 2014) ("[V]iolating an internal policy does not *ipso facto* violate the Constitution, but when that policy equates to the constitutional

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Pointing a firearm at Cobb. The complaint alleges that “drawing a deadly weapon on Decedent Cobb to seize him without probable cause when there was no indication he was posing any threat of danger to the officers” was unreasonable. (Compl. ¶ 57(e); *see id.* ¶¶ 32, 34.)

To begin, the video recordings soundly refute Miller-Fields’ assertion that there was “no indication” that Cobb posed a threat of danger to the troopers. Cobb refused Seide’s repeated requests to get out of the car or give Seide the car keys. When Seide told Cobb he was under arrest, Cobb shifted his car out of park and into drive, and the car began to move. “[D]angerous circumstances surrounding a person’s attempt to flee from law enforcement are compounded by the person’s operation of a motor vehicle As a person is in flight from custody, his vehicle has the potential to become a deadly or dangerous weapon.” *United States v. Kendrick*, 423 F.3d 803, 809 (8th Cir. 2005) (affirming district court’s determination that fleeing from police officer in motor vehicle was crime of violence for sentencing purposes). Given the “stress and urgency” naturally present in such a situation, a person fleeing “will likely drive recklessly and turn any pursuit into a high-speed chase with the potential for serious harm to police or innocent bystanders.” *Id.* (citation omitted).

Even if Cobb were not actively attempting to flee in his car, the situation was not in control when Londregan pointed his weapon at Cobb. Consider the totality of the

minimum under the totality of the circumstances, we appropriately focus on the objectively unconstitutional conduct which breaches the policy.”).

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circumstances presented to Londregan: Cobb repeatedly refused to comply with officer instructions; Cobb shifted the car into drive; the car began moving with Seide leaning inside the car; and the incident was on a busy highway with fast-moving traffic. Under these circumstances, drawing the gun did not violate the Fourth Amendment. *See, e.g., Clark v. Clark*, 926 F.3d 972, 979 (8th Cir. 2019) (holding pointing a gun at a suspect while removing him from a vehicle did not violate Fourth Amendment where “[a] reasonable officer was justified in believing the situation was not fully under control until [the suspect] had been removed from the vehicle, patted down, and restrained”). Londregan drew his weapon only after (1) Seide told Cobb that he was being arrested and (2) Cobb shifted the car out of park. Londregan’s decision to draw his weapon at that time was objectively reasonable.

“Ramming” Cobb’s car. The complaint alleges that Defendants unreasonably seized Cobb by “ramming” his stopped car after the shooting. (Compl. ¶ 57(g); *see id.* ¶ 80 (“Seide rammed Decedent Cobb’s stationary vehicle with his squad car”).) The videos demonstrate no such “ramming.” Instead, they show that Londregan’s squad decelerated as it approached Cobb’s slowly moving car and bumped it to a stop. (Ex. 1 at 2:17:58-2:18:10; Ex. 6 at 2:18:06-10.)

Courts have found no violation of Fourth Amendment rights where officers used squad cars to hit a suspect’s vehicle and box him in, because a reasonable officer could have believed that the suspect was fleeing from officers and threatened others’ safety unless the suspect was

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stopped. *See, e.g., Jackson v. Brooklyn Ctr.*, No. 21-CV-2072 (SRN/DJF), 2023 WL 2368032, at *11 (D. Minn. Mar. 6, 2023), *aff'd*, No. 23-1678, 2023 U.S. App. LEXIS 27850, 2023 WL 6876550 (8th Cir. Sept. 28, 2023); *Nunn v. City of Woodbury*, No. 05-CV-632 (ADM/JSM), 2006 U.S. Dist. LEXIS 92601, 2006 WL 3759748, at *8 (D. Minn. Dec. 21, 2006) (“In the totality of the circumstances, [the officer’s] actions of ending the pursuit by pushing [the suspect’s] car into a snow bank after hitting [the suspect’s] almost-stopped car with his squad car traveling approximately twenty miles per hour was objectively reasonable.”). At the time Londregan’s squad hit Cobb’s car, Londregan had at least arguable probable cause to arrest Cobb for the felony OFP violation, as well as for resisting arrest, Minn. Stat. § 609.50, subdiv. 1(1)-(2), and for fleeing arrest in a motor vehicle. Minn. Stat. § 609.487, subdiv. 3. In addition, given the close-range gun shots, it is reasonable to infer that Londregan knew Cobb was wounded, so Cobb’s continued driving could be a danger to himself or the public. (*See* Compl. ¶ 78 (alleging that Seide rammed Cobb’s car “despite . . . Cobb’s gunshot wounds”).)

Because Londregan’s conduct did not violate a constitutional right, he is entitled to qualified immunity on these unreasonable seizure claims. Absent a constitutional violation, the Court does not address Miller-Fields’ “clearly established” arguments on unreasonable seizure.

B. Excessive Force

Miller-Fields also asserts an excessive force claim against Londregan for the shooting—*i.e.*, his use of

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deadly force. “Claims that an officer seized a person with excessive force ‘are properly analyzed under the Fourth Amendment’s objective reasonableness standard.’” *Arnold v. McClinton*, 112 F.4th 598, 602 (8th Cir. 2024) (citing *Wallace v. City of Alexander*, 843 F.3d 763, 768 (8th Cir. 2016)). Deadly force is reasonable “only if the officer had probable cause to believe the suspect presented ‘a threat of serious physical harm to the officer or others.’” *Ching*, 73 F.4th at 620 (citing *Partridge v. City of Benton*, 929 F.3d 562, 565 (8th Cir. 2019)). In determining whether the use of deadly force was objectively reasonable, courts consider the totality of the circumstances, including “the severity of the crime at issue,” “whether the suspect is actively fleeing or resisting arrest,” and “whether the suspect poses an immediate threat to the safety of the officer or others.” *Arnold*, 112 F.4th at 603 (citing *Loch v. City of Litchfield*, 689 F.3d 961, 965 (8th Cir. 2012)); see *Graham*, 490 U.S. at 396.

The complaint alleges that “Cobb was an unarmed man stopped for a minor traffic violation, had no outstanding warrants, and was not threatening or acting violently towards the officers on scene. Nevertheless, . . . Londregan drew his firearm on Decedent Cobb and shot him almost immediately.” (Compl. ¶ 77; see also *id.* ¶¶ 57(e)-(f) (alleging unlawful seizure based on similar factual allegations).) It also alleges that Seide and Londregan did not attempt any de-escalation techniques or attempt to determine whether Cobb was armed or posed any danger to himself or others before Londregan shot him. (*Id.* ¶¶ 79-80.)

The video recordings establish a different fact pattern, and all the factors articulated by the Eighth Circuit were

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present at the scene—severity of the crime, active fleeing or resisting arrest, and immediate threat to safety of officers or others.

First, Cobb’s initial traffic stop was for a minor traffic violation. But by the time of Londregan’s encounter with Cobb, it was not a traffic stop: it was an arrest based on Cobb’s alleged felony OFP violation, which mandates arrest under Minnesota law. The situation was thus far more serious than a traffic stop.

Second, Cobb ignored Seide’s repeated requests for him to exit the car and give up the car keys—an uncooperative response to Seide’s attempts to de-escalate the situation. The videos show that when Seide told Cobb that he was under arrest, Cobb took steps that an officer would reasonably believe to be an attempt to flee: he shifted his car from park into drive and the car began moving forward. Cobb was not “unarmed” because once he shifted the car into drive and the car began moving in response to being arrested, Cobb could use his vehicle as a dangerous weapon. *See Kendrick*, 423 F.3d at 809 (“As a person is in flight from custody, his vehicle has the potential to become a deadly or dangerous weapon.”); *see also United States v. Yates*, 304 F.3d 818, 823 (8th Cir. 2002) (concluding that accelerating a vehicle toward marshals trying to arrest the defendant was assault with a dangerous weapon, not simple assault).

Miller-Fields argues that Cobb was not “physically resisting arrest,” and that Cobb did not shift the car into drive until Londregan opened his passenger door. (ECF No. 57 at 25.) The Court thinks otherwise; fleeing an

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arrest in a motor vehicle can certainly be characterized as “physical resistance” to arrest. Cobb took action to flee the scene immediately after Seide told him that he was executing a lawful arrest. The troopers were not required to read Cobb’s motivations for shifting the car into drive. *See Neal v. Ficcadenti*, 895 F.3d 576, 581 (8th Cir. 2018) (“Law enforcement officers are not required to read a suspect’s motivations in failing to obey commands—it is enough that the officer reasonably perceives that the suspect is not following orders as given.”).

Third and finally, the videos show that Cobb’s car was moving—with Seide leaning at least half-way inside the car—when Londregan shouted for Cobb to get out of the car and then fired his weapon. “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Lawyer v. City of Council Bluffs*, 361 F.3d 1099, 1105 (8th Cir. 2004) (citing *Graham*, 490 U.S. at 396-97). “[I]t was objectively reasonable for [Londregan] to believe that [Seide] was in immediate danger, as he faced the possibility that [Seide] could be dragged down the road . . . if the vehicle began to move.”⁹ *Id.* The highway was a busy one, and other

9. In *Lawyer v. City of Council Bluffs*, an officer pulled over a driver for speeding and, when the officer ordered the driver out of the vehicle to sign the citation, the driver refused. 361 F.3d at 1105. The officer tried to open the door, but found it locked, and the driver ignored requests to unlock the door. *Id.* The officer reached inside the vehicle through the open window to unlock the door, and

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vehicles were driving by, increasing the threat of severe injury to Seide if he were to be dragged and fall from the car onto the highway. *See Harmon v. City of Arlington*, 16 F.4th 1159, 1164 (5th Cir. 2021) (“Common sense confirms that falling off a moving car onto the street can result in serious physical injuries.”). Judging the situation “from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight,” *Lawyer*, 361 F.3d at 1105 (citation omitted), the Court concludes that Londregan was reasonable in firing his weapon.¹⁰

Miller-Fields argues that Cobb was not fleeing, but rather was startled by Londregan’s entry into the car, causing his foot to move off the brake. This again is contravened by the video evidence, which shows Cobb placing the car in drive with his hand. And even if Cobb “actually posed no danger,” the Court is to consider “*objective* reasonableness based on the circumstances at the time.” *Ransom v. Grisafe*, 790 F.3d 804, 812 (8th Cir. 2015). It was objectively reasonable for an officer to use

the window began to roll up. *Id.* The Eighth Circuit held that the officer was reasonable in using pepper spray on the driver to induce the driver to roll down the window and unlock the door, even though the vehicle did not move. *Id.*

10. The complaint quotes an interview of a Minnesota State Patrol use-of-force trainer attended by agents of the Minnesota Bureau of Apprehension. (*See* Compl. ¶¶ 47-49.) Londregan provides a transcript of the interview, asserting that the Court may consider it because it is embraced by the pleadings. (ECF No. 32-1 (Ex. 7).) The Court agrees, but finds the complaint allegations and the interview unhelpful because the trainer did not address the specific fact scenario faced by Defendants.

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deadly force to neutralize what he reasonably believed was a risk of serious physical harm to others, including a fellow officer. This Court will not “second-guess whether alternative actions by police officers ‘might conceivably have been available.’ ‘The Constitution . . . requires only that the seizure be objectively reasonable, not that the officer pursue the most prudent course of conduct as judged by 20/20 hindsight vision.’” *Est. of Morgan v. Cook*, 686 F.3d 494, 497 (8th Cir. 2012) (citations omitted).

Clearly established right. Londregan is also entitled to qualified immunity because his conduct did not “violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Harlow*, 457 U.S. at 818. “An officer violates a clearly established right only if a reasonable officer in the same position would understand his conduct violates the right.” *Ching*, 73 F.4th at 620. The Court “must not ‘define clearly established law at a high level of generality.’” *Id.* (citation omitted). In determining whether Miller-Fields has identified a clearly established right, the Court “look[s] for a controlling case or ‘a robust consensus of cases of persuasive authority’” that “involves sufficiently similar facts to squarely govern” the conduct at issue and places the question “beyond debate.” *Id.* (citations omitted); *see Sok Kong Tr.*, 960 F.3d at 992 (“Use of excessive force is an area of the law in which the result depends very much on the facts of each case, and thus police officers are entitled to qualified immunity unless existing precedent squarely governs the specific facts at issue.” (citation omitted)). “The plaintiff bears the burden of proving that the law was clearly established.” *Hess v. Ables*, 714 F.3d 1048, 1051 (8th Cir. 2013).

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An established general principle guides this discussion: “An officer may not use deadly force against a fleeing suspect unless the suspect poses an immediate and significant threat of serious injury or death to the officer or to bystanders.” *Thompson v. Murray*, 800 F.3d 979, 983 (8th Cir. 2015); *see id.* (“This general standard can be sufficient to clearly establish a fleeing suspect’s rights in a case where they have obviously been infringed.”).

The Eighth Circuit has not addressed this exact situation, but as set forth above, the Court concludes based on uncontroverted video evidence that Cobb posed an immediate and significant threat of serious injury or death to Seide or other motorists. Bolstering this conclusion are cases from the Fifth Circuit addressing similar circumstances. In *Harmon v. City of Arlington*, the Fifth Circuit considered a police officer who stepped onto the running board of an SUV at a traffic stop when the driver restarted the SUV. 16 F.4th at 1164. The officer reached into the SUV and yelled “hey stop”; the driver fired the ignition and shifted into drive. “[A]bout a second after the car lurched forward, [the officer] drew his pistol and shot [the driver] four times.” *Id.* The Fifth Circuit concluded that the officer reasonably believed he was at risk of serious physical harm when he was clinging to the accelerating SUV and drew his pistol, and so the use of deadly force was reasonable. *Id.* In *Barnes v. Felix*, the court held that the use of deadly force was reasonable because at the moment of threat, the officer was hanging onto the moving car and believed it would run him over, which “could have made [the officer] reasonably believe his life was in imminent danger.” 91 F.4th 393, 397 (5th Cir. 2024) (quotation marks omitted).

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Miller-Fields also contends that Londregan's use of deadly force against Cobb without providing an adequate warning was a clearly established violation of his Fourth Amendment rights. (ECF No. 57 at 31 (citing *Tennessee v. Garner*, 471 U.S. 1, 11-12 (1985)), 32.) "[A]n officer should give 'some warning' when it is 'feasible' to do so." *Morgan-Tyra v. City of St. Louis*, 89 F.4th 1082, 1086 (8th Cir. 2024) (citing *Loch*, 689 F.3d at 967); see *Garner*, 471 U.S. at 11-12 (holding that deadly force may be used if necessary to prevent escape of a suspect who has committed a crime involving the infliction or threatened infliction of serious physical harm "if, *where feasible*, some warning has been given" (emphasis added)). "Both common sense and our cases suggest that a warning is less likely to be 'feasible' in a high-pressure situation that requires a split-second judgment" like the one here. *Morgan-Tyra*, 89 F.4th at 1086. This was just such a high-pressure situation, given that the car was moving; it required a split-second judgment, and a warning was less likely to be feasible. See *id.* (holding that an officer's "split-second decision to shoot without warning . . . did not violate a *clearly established* right").

Under this case law, the Court cannot conclude that Londregan violated a clearly established right when he made the decision to shoot Cobb.

CONCLUSION

Based on the above and on all the files, records, and proceedings herein, Ryan Londregan's motion to dismiss (ECF No. 28) is GRANTED.

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Dated: October 30, 2024

BY THE COURT:

/s/ Nancy E. Brasel
Nancy E. Brasel
United States District Judge