

26-5510
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

COLTON CARICO,
Petitioner,

v.

DEREK BRISTOW,
Respondent.

FILED

APR 30 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

PETITION FOR WRIT OF CERTIORARI

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Fifth Circuit Case No. 24-40239 | Supreme Court application reference: No. 25A1020

RECEIVED

SEP - 9 2026

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Whether law enforcement officers violate the Fourth Amendment by using deadly force against a nonthreatening individual who is holding a firearm but has not aimed it, fired it, or made any threatening movement toward officers or others.
2. ~~Whether~~ Whether a Court may grant summary judgment based on video evidence when the video does not clearly contradict the plaintiff's version of events

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Petitioner: Colton Carico

Respondents: Derek Bristow, individually and in
his official capacity, et al.

RELATED CASES

• Carico v. Bristow, No. 5:22-CV-95, United
States District Court for the Eastern District of Texas
Judgment Entered :

• Carico v. Bristow, No. 24-40239, United States
Court of Appeals for the Fifth Circuit.
Judgment Entered :

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APPENDIX B The order denying rehearing and rehearing en banc

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Graham v. Connor

Tennessee v. Garner

Scott v. Harris

Cole v. Carson

STATUTES AND RULES

U.S. Const. amend. IV

42 U.S.C. § 1983

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 16, 2025.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: December 16 2025, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including April 30 2026 (date) on March 10 2026 (date) in Application No. 25 A 1020.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, Amendment IV:

"The right of the people to be secure in
their persons... against unreasonable searches
and seizures, shall not be violated..."

STATEMENT OF THE CASE

This case arises from a police shooting involving Petitioner Colton Carico following a single-vehicle accident.

Officers responded to Petitioner's residence, where he exited his home holding a firearm at his side. Within seconds of issuing commands, officers discharged his weapon, striking Petitioner.

At no time did Petitioner aim the firearm at officers or make any threatening movement toward them. The encounter lasted only a few seconds, during which conflicting commands and chaotic circumstances limited Petitioner's ability to comply.

Petitioner brought suit under 42 U.S.C. § 1983 alleging excessive force in violation of the Fourth Amendment.

The district court granted summary judgment to ~~the~~ Respondents, and the United States Court of Appeals for the Fifth Circuit affirmed.

This petition follows.

REASONS FOR GRANTING THE PETITION

This case presents an important question regarding the use of deadly force under the Fourth Amendment

The decision below conflicts with precedent recognizing that deadly force is only justified where an immediate threat exists. Here, Petitioner did not aim or discharge his firearm, yet Officer Bristow used lethal force within seconds.

The lower courts improperly relied on video evidence that does not clearly contradict Petitioner's account, contrary to this Court's decision in *Scott v. Harris*.

This case also highlights a broader and recurring issue: whether mere possession of a firearm, without threatening conduct, justifies deadly force. Courts across the country have reached differing conclusions on this question.

Review is warranted to resolve this conflict and clarify the Constitutional limits on the use of deadly force.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Colton Carico

Date: ~~7/28/2026~~
7/2/2026