

Fatal Force and Faulty Foundations: Fourth Amendment Failings in Ibarra v. Lee

Description

In a recent case out of the Tenth Circuit, the court was tasked with assessing *Ibarra v. Lee*, No. 24-5070 (10th Cir. 2025), which considers the availability of qualified immunity after officers fatally shot an individual while serving him with an emergency protective order.

Factual Summary

This case arose from an incident in March 2020, after the decedent's girlfriend filed a protective order against him. Officer Lee was tasked with serving the protective order on Mr. Jorge Martinez, and soon after arrived at Martinez's home. When the officer arrived, a family member told the officer that Martinez was asleep. When Martinez woke up, he responded by telling Officer Lee to leave. The officer then tried to arrest Mr. Martinez and managed to handcuff one hand. The two men began fighting, but the details regarding who hit whom were uncertain. The fighting ended when Officer Lee fatally shot Mr. Martinez.

Mr. Martinez's estate sued under 42 U.S.C. § 1983, claiming that Officer Lee had violated the Fourth Amendment by making the arrest without probable cause and by using excessive force. The district court granted summary judgment to Officer Lee. Because this is the second appeal in this case, the court reiterated the prior findings of the court. On the first appeal, the Circuit reversed the district court's decision finding summary judgment in favor of Officer Lee. The Circuit in that appeal concluded that the district court had failed to credit the plaintiff's version, which this court determined was an unlawful arrest and excessive force. This second appeal reached the court after the case was remanded to the district court to determine whether this version of events would have entailed a clearly established violation of the Constitution. Hearing the case most recently, the district court answered yes to the constitutional violation question and denied summary judgment to Officer Lee on the claims of unlawful arrest and excessive force. Reaching the Tenth Circuit once again, this time, Officer Lee appealed the district court's decision.

Tenth Circuit

On appeal to the Tenth Circuit, the court affirmed the decision of the district court, holding that Officer Lee lacked qualified immunity on the claims of unlawful arrest and excessive force.

The court determined that no reasonable officer could have perceived probable cause for the arrest based on the plaintiff's version of events, which included no threats or violent actions by Mr. Martinez. In affirming that Officer Lee lacked qualified immunity for the unlawful arrest, the court reviewed five Oklahoma statutes cited by Officer Lee to justify his actions: threatening a violent act, obstructing an officer, violating a protective order, assaulting an officer, and resisting arrest.

Regarding the statute prohibiting threats to commit a violent act, the court noted that no police officer could have perceived an objectively reasonable basis to arrest Mr. Martinez for threatening a violent act. Mr. Martinez simply stood in the doorway, pointing but not moving his arms or hands in a threatening manner. The court found no basis to support an objectively reasonable belief that probable

cause existed. For obstruction, the court concluded that Mr. Martinez merely telling Officer Lee to leave could not be perceived as an objectively reasonable basis to arrest Mr. Martinez for obstructing a public officer in the discharge of a public duty. The court emphasized that “mere argument” or noncompliance is not sufficient to constitute obstruction unless it involves actual interference with a lawful duty.

On the alleged violation of the protective order, the court held that no police officer could reasonably perceive probable cause to arrest Mr. Martinez for violating a protective order that he hadn’t seen. As to the statute on assaulting a police officer, the court reiterated that the facts did not include any threats, punches, grabs, or violent gestures made by Martinez. Based on those facts, the court held that no officer could reasonably perceive probable cause to arrest for willful and unlawful force or violence. Regarding the final statute for resisting, the court found that Officer Lee had lacked an objectively reasonable basis to arrest Mr. Martinez before trying to handcuff him. And without an objectively reasonable basis for an arrest, Mr. Martinez would have had a right to resist. Even if some resistance occurred later, the court explained that the prior panel’s conclusions would have prevented an objectively reasonable basis to believe that the resistance had involved ‘force or violence.’

Additionally, the court found that the use of deadly force was clearly established as unconstitutional in situations where the suspect posed no immediate threat. The panel previously found that the plaintiff’s version of events supported a finding of not only an unlawful arrest, but also excessive force. For the claim of excessive force, the panel reasoned that the jury could reasonably find no suspicion of Mr. Martinez for a prior crime, no weapon, and no threat to Officer Lee. The court explained that, without a threat, weapon, or suspected crime, police officers couldn’t reasonably believe that the Fourth Amendment would allow them to shoot Mr. Martinez.

The Tenth Circuit cited existing precedent to support the determination that even before March 2020, the Constitution had clearly prohibited an officer from shooting a suspect who poses no immediate threat. Officer Lee argued that Mr. Martinez could have used the handcuff as a weapon, but the panel had previously concluded that the jury could reasonably find Mr. Martinez hadn’t ‘fought back’ or made any ‘hostile motions with the handcuff’ and ‘had no weapon.’ The court also rejected Officer Lee’s argument that he reasonably perceived danger due to resistance, reaffirming that the panel previously classified Martinez’s acts as ‘minimal and defensive’ actions. As such, the Tenth Circuit affirmed the district court’s denial of summary judgment for Officer Lee.

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