

From Split-Second to Ceasefire: The Sixth Circuit Splits in *Eastep v. City of Nashville*

Description

The United States Court of Appeals for the Sixth Circuit recently released a ruling in *Eastep v. City of Nashville, Tennessee*, a case that reached the Court after a thirty-five-minute standoff on a Nashville highway ended with shots fired.[1]

Background

In January 2022, Landon Eastep walked along Interstate 65 in Nashville and eventually encountered Tennessee State Trooper Edge. After confirming Mr. Eastep's identity using his driver's license, Trooper Edge stated that he intended to conduct a pat-down and provide a ride off the interstate. Before beginning the frisk, Edge asked whether Mr. Eastep had anything that could "poke" or "harm" him. In response to the question, and before the pat-down was completed, Mr. Eastep retrieved a box cutter from his pocket, briefly held it up, and began to walk away, only to double back to the area where Edge had first met him.

Trooper Edge commanded Eastep to "drop the weapon" and to get down on the ground. A repeating pattern followed: Edge issued commands, and Mr. Eastep did not acknowledge or comply. An off-duty Mt. Juliet Police officer saw the encounter as he drove by, stopped, and crossed the highway on foot to assist. He and Edge urged Eastep to drop what they perceived to be "the knife" and accept help. During this time, Edge called for backup, and over the course of thirty minutes, officers arrived from both the Tennessee Highway Patrol and the Metropolitan Nashville Police Department.

The Standoff

The standoff quickly grew to a scene of ten officers facing Eastep with guns drawn. Several officers asked Mr. Eastep to drop his weapon throughout the encounter. Trooper Edge informed the other officers that he knew Mr. Eastep had a knife, but he never finished the pat-down and stated that Eastep could have other weapons on him. He also advised that Mr. Eastep appeared to have something in his pocket. Mr. Eastep never answered the officers' questions about whether he had another weapon or why he was reaching for his pocket.

As the officers attempted to reason with him, Mr. Eastep paced along the shoulder of the highway, never responding to their commands to drop his weapon. As the standoff progressed, Eastep took two quick steps toward the officers and pulled an object from his jacket pocket, raising and pointing it at shoulder level. Multiple officers fired, causing Eastep to collapse within about one second. In the roughly five seconds after he raised the object, officers discharged approximately thirty-three rounds.

About two seconds after Mr. Eastep fell, an unidentified officer twice called for a ceasefire; at least one additional ceasefire command followed when shots continued after those initial calls. After Mr. Eastep had already been struck multiple times, had fallen, and other officers had ceased firing, Metro Officer

Murphy fired his first shots, shooting two rounds.

Other than Murphy's two shots after Mr. Eastep was on the ground, it is unclear which officer fired when or when each stopped shooting. An autopsy revealed that Mr. Eastep's bullet wounds ranged from his shoulders down to his left leg. Twelve of the shots hit and fatally wounded him. Five bullets entered through Mr. Eastep's back, indicating that those bullets potentially struck him after he had already fallen.

Procedural Posture

Acting on behalf of her deceased husband, Mrs. Eastep filed suit against the City of Nashville, the City of Mt. Juliet, and several officers involved, alleging that the officers used excessive force in violation of Mr. Eastep's Fourth Amendment rights. The complaint alleged that every officer opened fire on Mr. Eastep when he did not pose a threat, ultimately killing him.

When the case reached the district court, all officers moved to dismiss the complaint based on qualified immunity. The district court denied the motions, finding that the allegations established a plausible Fourth Amendment claim for excessive force and that Mr. Eastep's constitutional right to be free from such force was clearly established. The officer defendants appealed to the United States Court of Appeals for the Sixth Circuit, seeking review of the district court's denial of qualified immunity.

Sixth Circuit Opinion

On appeal, the Sixth Circuit affirmed in part and reversed in part. The Court held that eight of the nine officers were entitled to qualified immunity because their initial use of deadly force was objectively reasonable under the circumstances. However, the Court found that the officer who fired two shots after Eastep fell to the ground was not entitled to qualified immunity, permitting the excessive force claim to proceed.

The Court based this decision on its finding that the officer fired shots only after Eastep had fallen to the ground, when calls for "ceasefire" had already been made, and that he used force against a neutralized suspect.

The defendant officers argued that they did not violate Mr. Eastep's clearly established right to be free from excessive force because Eastep's actions leading up to the shooting justified their use of deadly force. In response, Mrs. Eastep argued that deadly force was not justified because "holding a vape in a gun stance is not a threat of serious harm when the officers saw that [Mr. Eastep held] a vape," and that even assuming the officers did not know Eastep had a vape, shooting him thirty-three times was unreasonable.

Aligned with the district court's holding, Mrs. Eastep alleged a violation of Mr. Eastep's clearly established rights considering that the officers continued to shoot after he fell to the ground, incapacitated. On appeal, the Court referenced body-worn camera footage to reiterate the facts necessary to assess the excessive-force claim. The Court noted that the video shows Officer Murphy, who was the farthest away from the encounter, began shooting after other officers made multiple calls for a ceasefire, Eastep had fallen to the ground, and every other officer had stopped shooting. The video does not reveal which of the eight remaining officers continued shooting after the ceasefire was

called; it only shows that as many as ten shots were fired after Mr. Eastep fell and dropped what he had been holding.

Qualified Immunity Analysis

The Sixth Circuit applied its two-part test for qualified immunity:

- (1) whether the facts, when taken in the light most favorable to Eastep, show the officer's conduct violated a constitutional right; and
- (2) whether the right violated was clearly established such that a reasonable official would understand that what he was doing violated that right.[2]

Initial Eight Officers

The Court began by addressing the actions of the initial eight officers. The video showed that all eight officers began shooting only after Eastep took two steps toward them, drew an object from his jacket, and pointed it at shoulder level.

As to the first *Graham* factor—the severity of the crime at issue—this was the only factor that did not support the officers' use of deadly force because the underlying offense, walking on the shoulder of Interstate 65, is classified as a Class C misdemeanor.[3] Standing alone, such a minor offense does not reasonably justify the use of deadly force.

Considering the second *Graham* factor—the immediacy of the threat—the Court found that it was objectively reasonable for the officers to perceive Mr. Eastep's actions as an immediate threat. Under the totality of the circumstances, as reinforced by *Barnes v. Felix*, the eight officers began firing only after those threatening movements, shot for roughly five seconds as he fell, and immediately stopped when ceasefire commands were issued.[4] On these facts, the Court found that the eight officers' initial and contemporaneous shots were objectively reasonable given the "split-second judgments" required under the circumstances.

For the third *Graham* factor—active resistance or flight—the Court found that this factor weighed in favor of the use of force. From the outset of the encounter, Eastep refused to comply with the officers' requests to drop his weapon and tried to evade Edge by pulling away and jogging toward the freeway shoulder. After backup arrived, Eastep continued to refuse commands and walked away along the freeway.

The Court emphasized that this lack of cooperation alone would not justify deadly force. However, based on the body-worn camera footage, Eastep's actions exceeded mere non-compliance when he suddenly took steps toward the officers, drew an object from his pocket, and imitated a shooting stance. Under these facts, the Court concluded that the eight officers did not act unreasonably.

Officer Murphy

The Court explained that its analysis of the second and third *Graham* factors differed for Officer Murphy. Because Murphy's initial shots came after Eastep was incapacitated and every other officer had stopped shooting, the Court found that Mrs. Eastep alleged facts sufficient to support a claim that Murphy's use of deadly force was objectively unreasonable.

Citing Sixth Circuit precedent, the Court explained that once a suspect is incapacitated or neutralized, any further force is excessive as a matter of law because the suspect no longer poses an immediate threat and the government's interest in significant force dissipates.[5] The Court found that Murphy's actions amounted to gratuitous force applied after the threat had been neutralized, as Eastep was already incapacitated.

The Court acknowledged that Murphy's shot occurred only three seconds after Eastep no longer posed a threat. However, under *Graham* and *Barnes*, determining an officer's reasonableness in using deadly force is highly fact dependent. Here, it was plausibly alleged that Officer Murphy did not start shooting until after Eastep was incapacitated, as supported by the body-worn camera footage showing Eastep unmoving, on the ground, and no longer holding an object when the last two shots were fired.

Officer Murphy pointed to Sixth Circuit precedent, arguing that a brief arm movement by Eastep just before he fired supported his perception that a threat still existed.[6] The Court disagreed, explaining that "it is difficult to interpret the motion as threatening. His torso remained flat on the ground, and his movement appears involuntary because of the gunfire. Mr. Eastep at that point had no weapon in his hand, let alone a weapon pointed at the officers." The Court found that Eastep's movements were too ambiguous to contradict Mrs. Eastep's version of events.

At that point, the officers, including Murphy, faced no immediate threat, supporting Mrs. Eastep's claim that it was not objectively reasonable for Murphy to apply deadly force.

Addressing the "clearly established law" prong, the Sixth Circuit found that Officer Murphy's decision to fire only after the suspect was down and neutralized fell squarely within the Sixth Circuit's "gratuitous force" doctrine. The Court reaffirmed that precedent clearly establishes that deadly force is not justified after a suspect has been incapacitated or neutralized.

References

- [1] *Eastep v. City of Nashville, Tennessee*, No. 24-5319, 2025 WL 2945581 (6th Cir. Oct. 2025).
- [2] *Mullins v. Cyranek*, 805 F.3d 760, 765 (6th Cir. 2015) (quoting *Saucier v. Katz*, 533 U.S. 194, 201-02 (2001)).
- [3] *Graham v. Connor*, 480 U.S. 386, 396 (1989).
- [4] *Barnes v. Felix*, 605 U.S. 73, 80 (2025).
- [5] *Baker v. City of Hamilton*, 471 F.3d 601, 606-07 (6th Cir. 2006); *Morrison v. Bd. of Trs. of Green Twp.*, 583 F.3d 394, 404-05 (6th Cir. 2009); *Gambrel v. Knox Cnty.*, 25 F.4th 391, 402 (6th Cir. 2022).
- [6] *Boyd v. Baeppler*, 215 F.3d 594, 602-03 (6th Cir. 2000).

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