(ORDER LIST: 595 U.S.)

MONDAY, OCTOBER 18, 2021

CERTIORARI -- SUMMARY DISPOSITIONS

20-1492 ABDULLA, ABDULMALIK M. V. GARLAND, ATT'Y GEN.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Third Circuit for further consideration in light of the brief filed by the Acting Solicitor General for the United States on August 27, 2021.

20-1631 HIRSHFELD, ANDREW V. IMPLICIT, LLC, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Federal Circuit for further consideration in light of *United States* v. *Arthrex, Inc.*, 594 U. S. ___ (2021).

ORDERS IN PENDING CASES

21M31 DAKOTA ACCESS, LLC V. STANDING ROCK SIOUX TRIBE, ET AL.

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted. Justice Alito and Justice Kavanaugh took no part in the consideration or decision of this motion.

19-896 JOHNSON, TAE D., ET AL. V. ARTEAGA-MARTINEZ, ANTONIO

The motion of petitioners to dispense with printing the joint appendix is granted.

20-219 CUMMINGS, JANE V. PREMIER REHAB KELLER, P.L.L.C.

The motion of the Acting Solicitor General for leave to

participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument is granted, and the time is allotted as follows: 20 minutes for petitioner, 15 minutes for the Acting Solicitor General, and 35 minutes for respondent.

20-322 GARLAND, ATT'Y GEN., ET AL. V. GONZALEZ, ESTEBAN A., ET AL.

The motion of petitioners to dispense with printing the joint appendix is granted.

21-5443 CROOK, RACHEL V. SHEA FIDUCIARY SERV., ET AL.

21-5464 WALKER, STEVEN E. V. UNITED STATES, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until November 8, 2021, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

20-493 YSLETA DEL SUR PUEBLO, ET AL. V. TEXAS

The petition for a writ of certiorari is granted.

20-7622 DENEZPI, MERLE V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

CERTIORARI DENIED

20-1654 SONOS, INC. V. IMPLICIT, LLC, ET AL.

20-1669 WILL, ROBERT G. V. LUMPKIN, DIR., TX DCJ

20-1690 CORTESLUNA, RAMON V. RIVAS-VILLEGAS, DANIEL, ET AL.

20-1745 SYLVESTER, RICHARD V. UNITED STATES

20-7778 SCOTT, GERALD V. UNITED STATES

20-8143 SMITH, MERWIN V. UNITED STATES

20-8306 PHILLIPS, DONNIE J. V. UNITED STATES

20-8316 WILLIAMS, MICHAEL L. V. UNITED STATES

20-8335 CHRISTIAN, GEORGE A. V. OKLAHOMA

21-204 SIBLEY, MONTGOMERY B. V. GERACI, FRANK P., ET AL.

21-206 NEAL, MOURICE V. DETROIT, MI

21-208 STEWART, MERRILEE V. IHT INSURANCE AGENCY, ET AL.

21-215 SMITH, BARRY J. V. UNITED STATES CONGRESS, ET AL.

21-216 BROWN, ROGER V. CITIZENS PROPERTY INS., ET AL.

21-221 CRETACCI, BLAKE V. CALL, JOE, ET AL.

21-229 NEWMAN, LAWRENCE T. V. YORK, ROBERT W.

21-232 SHARMA, VEENA V. TERRANOVA, DOMENIC S., ET AL.

21-236 DREAD, CHARLES A. V. MD STATE POLICE

21-247 COALTION FOR BET. GOVT., ET AL. V. ALLIANCE FOR GOOD GOVT.

21-261 ELDRIDGE, CARRIE R. V. CIR

21-262 ROUGE HOUSE, LLC V. 308 DECATUR-NEW ORLEANS, LLC

21-263 KIMBRO STEPHENS INS., ET AL. V. SMITH, JAMES E., ET AL.

21-302 JAROS, ARTHUR G. V. DOWNERS GROVE, IL, ET AL.

21-313 VESEY, CIARA V. ENVOY AIR, INC.

21-329 GARITY, ROSEMARY V. DeJOY, POSTMASTER GEN.

21-353 HOGGATT, ETHAN, ET AL. V. ALLSTATE, ET AL.

21-359 TEALEH, FLOMO V. WARD COUNTY, ND, ET AL.

21-389 MOMOX-CASELIS, SERGIO, ET AL. V. DONOHUE, TARA, ET AL.

21-403 ZITKA, BRUCE H., ET UX. V. MICHIGAN

21-412 ROUSSELL, SAMANTHA V. V. BANK OF NEW YORK MELLON

21-446 PANNELL, JUSTIN V. ABSHIRE, ROGER, ET AL.

21-5081 DAVIS, JAMES V. UNITED STATES

21-5095 LUCIO, MELISSA E. V. LUMPKIN, DIR., TX DCJ

21-5347 GRAHAM, DAMANTAE V. OHIO

21-5353 NAPPER, MICHAEL V. SINGLETON, ARTIS

21-5355 YUN, JUNG WON V. KIM, CHUNG CHA, ET AL.

21-5356 WRIGHT, JOEL D. V. FLORIDA

21-5369 RIVERA, MICHAEL A. V. UNKNOWN

21-5377 ASCENCIO, ALEXANDER V. LUMPKIN, DIR., TX DCJ

21-5381 TYLER, LOU V. PHH MORTGAGE CORP., ET AL.

21-5389 MARTINEZ, JUAN J. V. TEXAS

21-5390 LIPINSKI, JEANETTE S. R. V. CASTANEDA, YOLANDA, ET AL.

21-5396 ARGUELLO, JOSEPH V. RAVNSBORG, ATT'Y GEN. OF SD

21-5401 WILSON, SHAWN R. V. FENDER, WARDEN

21-5403 TUMLINSON, CHARLES E. V. LUMPKIN, DIR., TX DCJ

21-5407 MANNING, ROBIN R. V. MICHIGAN

21-5412 CARAFFA, ALFRED E. V. CHS, INC., ET AL.

21-5415 BROWN, JARVIS V. ORLEANS PARISH SHERIFF, ET AL.

21-5416 BLEDSOE, DONNELL V. FACEBOOK, ET AL.

21-5417 CARAFFA, ALFRED E. V. TEMPE POLICE DEPT., ET AL.

21-5424 CANALES, VICTOR H. V. LUMPKIN, DIR., TX DCJ

21-5427 MILES-EL, KUSHAWN V. HORTON, WARDEN

21-5438 MORIN, NOE G. V. LUMPKIN, DIR. TX DCJ

21-5439 PETERS, MICHAEL G. V. LUMPKIN, DIR. TX DCJ

21-5449 CUADRADO-CONCEPCION, LILLIAN J. V. UNITED STATES

21-5470 LOMELI-GARCIA, ALEKSYS V. SHINN, DIR., AZ DOC, ET AL.

21-5498 CONCEPCION, RAYMOND V. MASSACHUSETTS

21-5521 SHIELDS, ANTONIA W. V. UNITED STATES

21-5533 SPRINGER, MARSHA A. V. HOWARD, WARDEN

21-5534 MAKINI, OMOLARA V. MICHIGAN, ET AL.

21-5594 HEFFLEY, DANIEL J. V. PENNSYLVANIA, ET AL.

21-5608 SIFUENTES, DAVID A. V. PRELESNIK, WARDEN

21-5630 EVERETT, DANIEL V. STATE BAR OF CA

21-5655 LENERS, TIMOTHY D. V. WYOMING

21-5687 HOCHHALTER, DARRELL V. CLENDENION, WARDEN

21-5690 ZAVALA-ARMENDARIZ, PEDRO V. UNITED STATES

21-5704 HILL-EL, ANTOINE M. V. JOHNSON, WARDEN

21-5712 SANCHEZ, GEORGE F. V. UNITED STATES

21-5716 COUSAR, PECOLA V. NEW YORK-PRESBYTERIAN QUEENS

21-5720 WILSON, MARK E. V. UNITED STATES

21-5723 PARDO-OSEGUERA, JUAN M. V. UNITED STATES

21-5725 AMAYA-MARTINEZ, SERGIO V. UNITED STATES

21-5727 CISNEROS, FRANK V. UNITED STATES

21-5728 SOLAR-SOMOHANO, ALBERTO V. HIRSHFELD, ANDREW

21-5783 SMITH, BRIAN D. V. MONTANA

The petitions for writs of certiorari are denied.

21-231 WARTLUFT, JULIE E., ET AL. V. MILTON HERSHEY SCH., ET AL.

The motion of Protect The Hersheys' Children, Inc. for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

21-399 RENEAU, CHESTER L. V. CARDINAS, MARY, ET AL.

The petition for a writ of certiorari is denied. Justice Gorsuch took no part in the consideration or decision of this petition.

21-5331 RUSK, ZACHARY R. E. V. FIDELITY BROKERAGE SERVICES

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. Justice Gorsuch took no part in the consideration or decision of this motion and this petition.

21-5719 ZINNER, EDWARD V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

HABEAS CORPUS DENIED

21-436 IN RE KEVIN D. LOGGINS

21-5732 IN RE ARTOSKA GILLISPIE

The petitions for writs of habeas corpus are denied.

21-5787 IN RE RANDALL T. McARTY

21-5809 IN RE DWAYNE STOUTAMIRE

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of habeas corpus are dismissed. See Rule 39.8.

Per Curiam

SUPREME COURT OF THE UNITED STATES

DANIEL RIVAS-VILLEGAS *v.* RAMON CORTESLUNA

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

No. 20–1539. Decided October 18, 2021

PER CURIAM.

Petitioner Daniel Rivas-Villegas, a police officer in Union City, California, responded to a 911 call reporting that a woman and her two children were barricaded in a room for fear that respondent Ramon Cortesluna, the woman's boyfriend, was going to hurt them. After confirming that the family had no way of escaping the house, Rivas-Villegas and the other officers present commanded Cortesluna outside and onto the ground. Officers saw a knife in Cortesluna's left pocket. While Rivas-Villegas and another officer were in the process of removing the knife and handcuffing Cortesluna, Rivas-Villegas briefly placed his knee on the left side of Cortesluna's back. Cortesluna later sued under Rev. Stat. §1979, 42 U. S. C. §1983, alleging, as relevant, that Rivas-Villegas used excessive force. At issue here is whether Rivas-Villegas is entitled to qualified immunity because he did not violate clearly established law.

The undisputed facts are as follows. A 911 operator received a call from a crying 12-year-old girl reporting that she, her mother, and her 15-year-old sister had shut themselves into a room at their home because her mother's boyfriend, Cortesluna, was trying to hurt them and had a chainsaw. The girl told the operator that Cortesluna was "'always drinking,'" had "'anger issues,'" was "'really mad,'" and was using the chainsaw to "'break something in the house.'" *Cortesluna* v. *Leon*, 979 F. 3d 645, 649 (CA9 2020). A police dispatcher relayed this information along with a description of Cortesluna in a request for officers to respond.

Per Curiam

Rivas-Villegas heard the broadcast and responded to the scene along with four other officers. The officers spent several minutes observing the home and reported seeing through a window a man matching Cortesluna's description. One officer asked whether the girl and her family could exit the house. Dispatch responded that they "'were unable to get out'" and confirmed that the 911 operator had "'hear[d] sawing in the background'" and thought that Cortesluna might be trying to saw down the door. *Cortesluna* v. *Leon*, 2018 WL 6727824, *2 (ND Cal., Dec. 21, 2018).

After receiving this information, Rivas-Villegas knocked on the door and stated loudly, "'police department, come to the front door, Union City police, come to the front door.'" *Ibid.* Another officer yelled, "'he's coming and has a weapon.'" *Ibid.* A different officer then stated, "'use less-lethal,'" referring to a beanbag shotgun. *Ibid.* When Rivas-Villegas ordered Cortesluna to "'drop it,'" Cortesluna dropped the "weapon," later identified as a metal tool. *Ibid.*

Rivas-Villegas then commanded, "'come out, put your hands up, walk out towards me.'" 979 F. 3d, at 650. Cortesluna put his hands up and Rivas-Villegas told him to "'keep coming.'" *Ibid.* As Cortesluna walked out of the house and toward the officers, Rivas-Villegas said, "'Stop. Get on your knees.'" *Ibid.* Plaintiff stopped 10 to 11 feet from the officers. Another officer then saw a knife sticking out from the front left pocket of Cortesluna's pants and shouted, "'he has a knife in his left pocket, knife in his pocket,'" and directed Cortesluna, "'don't put your hands down,'" "'hands up.'" 2018 WL 6727824, *2. Cortesluna turned his head toward the instructing officer but then lowered his head and his hands in contravention of the officer's orders. Another officer twice shot Cortesluna with a beanbag round from his shotgun, once in the lower stomach and once in the left hip.

After the second shot, Cortesluna raised his hands over his head. The officers shouted for him to "'get down,'"

which he did. Another officer stated, "'left pocket, he's got a knife.'" *Ibid.* Rivas-Villegas then straddled Cortesluna. He placed his right foot on the ground next to Cortesluna's right side with his right leg bent at the knee. He placed his left knee on the left side of Cortesluna's back, near where Cortesluna had a knife in his pocket. He raised both of Cortesluna's arms up behind his back. Rivas-Villegas was in this position for no more than eight seconds before standing up while continuing to hold Cortesluna's arms. At that point, another officer, who had just removed the knife from Cortesluna's pocket and tossed it away, came and handcuffed Cortesluna's hands behind his back. Rivas-Villegas lifted Cortesluna up and moved him away from the door.

Cortesluna brought suit under 42 U. S. C. §1983, claiming, as relevant here, that Rivas-Villegas used excessive force in violation of the Fourth Amendment. The District Court granted summary judgment to Rivas-Villegas, but the Court of Appeals for the Ninth Circuit reversed. 979 F. 3d, at 656.

The Court of Appeals held that "Rivas-Villegas is not entitled to qualified immunity because existing precedent put him on notice that his conduct constituted excessive force." *Id.,* at 654. In reaching this conclusion, the Court of Appeals relied solely on *LaLonde* v. *County of Riverside*, 204 F. 3d 947 (CA9 2000). The court acknowledged that "the officers here responded to a more volatile situation than did the officers in *LaLonde*." 979 F. 3d, at 654. Nevertheless, it reasoned: "Both *LaLonde* and this case involve suspects who were lying face-down on the ground and were not resisting either physically or verbally, on whose back the defendant officer leaned with a knee, causing allegedly significant injury." *Ibid.*

Judge Collins dissented. As relevant, he argued that "the facts of *LaLonde* are materially distinguishable from this case and are therefore insufficient to have made clear to every reasonable officer that the force Rivas-Villegas used

here was excessive." *Id.,* at 664 (internal quotation marks omitted).

We agree and therefore reverse. Even assuming that controlling Circuit precedent clearly establishes law for purposes of §1983, *LaLonde* did not give fair notice to Rivas-Villegas. He is thus entitled to qualified immunity.

"Qualified immunity attaches when an official's conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *White* v. *Pauly*, 580 U. S. ___, ___ (2017) (*per curiam*) (slip op., at 6) (internal quotation marks omitted). A right is clearly established when it is "sufficiently clear that every reasonable official would have understood that what he is doing violates that right." *Mullenix* v. *Luna*, 577 U. S. 7, 11 (2015) (*per curiam*) (internal quotation marks omitted). Although "this Court's case law does not require a case directly on point for a right to be clearly established, existing precedent must have placed the statutory or constitutional question beyond debate." *White*, 580 U. S., at ___ (slip op., at 6) (alterations and internal quotation marks omitted). This inquiry "must be undertaken in light of the specific context of the case, not as a broad general proposition." *Brosseau* v. *Haugen*, 543 U. S. 194, 198 (2004) (*per curiam*) (internal quotation marks omitted).

"[S]pecificity is especially important in the Fourth Amendment context, where . . . it is sometimes difficult for an officer to determine how the relevant legal doctrine, here excessive force, will apply to the factual situation the officer confronts." *Mullenix*, 577 U. S., at 12 (alterations and internal quotation marks omitted). Whether an officer has used excessive force depends on "the facts and circumstances of each particular case, 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 he is actively resisting arrest or attempting to evade arrest by flight." *Graham* v. *Connor*, 490 U. S. 386, 396 (1989); see

also *Tennessee* v. *Garner*, 471 U. S. 1, 11 (1985) ("Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force"). However, *Graham*'s and *Garner*'s standards are cast "at a high level of generality." *Brosseau*, 543 U. S., at 199. "[I]n an obvious case, these standards can 'clearly establish' the answer, even without a body of relevant case law." *Ibid.* But this is not an obvious case. Thus, to show a violation of clearly established law, Cortesluna must identify a case that put Rivas-Villegas on notice that his specific conduct was unlawful.

Cortesluna has not done so. Neither Cortesluna nor the Court of Appeals identified any Supreme Court case that addresses facts like the ones at issue here. Instead, the Court of Appeals relied solely on its precedent in *LaLonde*. Even assuming that Circuit precedent can clearly establish law for purposes of §1983, *LaLonde* is materially distinguishable and thus does not govern the facts of this case.

In *LaLonde*, officers were responding to a neighbor's complaint that LaLonde had been making too much noise in his apartment. 204 F. 3d, at 950–951. When they knocked on LaLonde's door, he "appeared in his underwear and a T-shirt, holding a sandwich in his hand." *Id.,* at 951. LaLonde testified that, after he refused to let the officers enter his home, they did so anyway and informed him he would be arrested for obstruction of justice. *Ibid.* One officer then knocked the sandwich from LaLonde's hand and "grabbed LaLonde by his ponytail and knocked him backwards to the ground." *Id.,* at 952. After a short scuffle, the officer sprayed LaLonde in the face with pepper spray. At that point, LaLonde ceased resisting and another officer, while handcuffing LaLonde, "deliberately dug his knee into LaLonde's back with a force that caused him long-term if not permanent back injury." *Id.,* at 952, 960, n. 17.

The situation in *LaLonde* and the situation at issue here

diverge in several respects. In *LaLonde*, officers were responding to a mere noise complaint, whereas here they were responding to a serious alleged incident of domestic violence possibly involving a chainsaw. In addition, LaLonde was unarmed. Cortesluna, in contrast, had a knife protruding from his left pocket for which he had just previously appeared to reach. Further, in this case, video evidence shows, and Cortesluna does not dispute, that Rivas-Villegas placed his knee on Cortesluna for no more than eight seconds and only on the side of his back near the knife that officers were in the process of retrieving. LaLonde, in contrast, testified that the officer deliberately dug his knee into his back when he had no weapon and had made no threat when approached by police. These facts, considered together in the context of this particular arrest, materially distinguish this case from *LaLonde*.

"Precedent involving similar facts can help move a case beyond the otherwise hazy borders between excessive and acceptable force and thereby provide an officer notice that a specific use of force is unlawful." *Kisela* v. *Hughes*, 584 U. S. ___, ___ (2018) (*per curiam*) (slip op., at 5) (internal quotation marks omitted). On the facts of this case, neither *LaLonde* nor any decision of this Court is sufficiently similar. For that reason, we grant Rivas-Villegas' petition for certiorari and reverse the Ninth Circuit's determination that Rivas-Villegas is not entitled to qualified immunity.

It is so ordered.

Per Curiam

SUPREME COURT OF THE UNITED STATES

CITY OF TAHLEQUAH, OKLAHOMA, ET AL. *v.* AUSTIN P. BOND, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF DOMINIC F. ROLLICE, DECEASED

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

No. 20–1668. Decided October 18, 2021

PER CURIAM.

On August 12, 2016, Dominic Rollice's ex-wife, Joy, called 911. Rollice was in her garage, she explained, and he was intoxicated and would not leave. Joy requested police assistance; otherwise, "it's going to get ugly real quick." 981 F. 3d 808, 812 (CA10 2020). The dispatcher asked whether Rollice lived at the residence. Joy said he did not but explained that he kept tools in her garage.

Officers Josh Girdner, Chase Reed, and Brandon Vick responded to the call. All three knew that Rollice was Joy's ex-husband, was intoxicated, and would not leave her home.

Joy met the officers out front and led them to the side entrance of the garage. There the officers encountered Rollice and began speaking with him in the doorway. Rollice expressed concern that the officers intended to take him to jail; Officer Girdner told him that they were simply trying to get him a ride. Rollice began fidgeting with something in his hands and the officers noticed that he appeared nervous. Officer Girdner asked if he could pat Rollice down for weapons. Rollice refused.

Police body-camera video captured what happened next. As the conversation continued, Officer Girdner gestured with his hands and took one step toward the doorway, causing Rollice to take one step back. Rollice, still conversing with the officers, turned around and walked toward the back of the garage where his tools were hanging over a

workbench. Officer Girdner followed, the others close behind. No officer was within six feet of Rollice. The video is silent, but the officers stated that they ordered Rollice to stop. Rollice kept walking. He then grabbed a hammer from the back wall over the workbench and turned around to face the officers. Rollice grasped the handle of the hammer with both hands, as if preparing to swing a baseball bat, and pulled it up to shoulder level. The officers backed up, drawing their guns. At this point the video is no longer silent, and the officers can be heard yelling at Rollice to drop the hammer.

He did not. Instead, Rollice took a few steps to his right, coming out from behind a piece of furniture so that he had an unobstructed path to Officer Girdner. He then raised the hammer higher back behind his head and took a stance as if he was about to throw the hammer or charge at the officers. In response, Officers Girdner and Vick fired their weapons, killing Rollice.

Rollice's estate filed suit against, among others, Officers Girdner and Vick, alleging that the officers were liable under 42 U. S. C. §1983, for violating Rollice's Fourth Amendment right to be free from excessive force. The officers moved for summary judgment, both on the merits and on qualified immunity grounds. The District Court granted their motion. *Burke* v. *Tahlequah*, 2019 WL 4674316, *6 (ED Okla., Sept. 25, 2019). The officers' use of force was reasonable, it concluded, and even if not, qualified immunity prevented the case from going further. *Ibid.*

A panel of the Court of Appeals for the Tenth Circuit reversed. 981 F. 3d, at 826. The Court began by explaining that Tenth Circuit precedent allows an officer to be held liable for a shooting that is itself objectively reasonable if the officer's reckless or deliberate conduct created a situation requiring deadly force. *Id.,* at 816. Applying that rule, the Court concluded that a jury could find that Officer Girdner's

initial step toward Rollice and the officers' subsequent "cornering" of him in the back of the garage recklessly created the situation that led to the fatal shooting, such that their ultimate use of deadly force was unconstitutional. *Id.,* at 823. As to qualified immunity, the Court concluded that several cases, most notably *Allen* v. *Muskogee*, 119 F. 3d 837 (CA10 1997), clearly established that the officers' conduct was unlawful. 981 F. 3d, at 826. This petition followed.

We need not, and do not, decide whether the officers violated the Fourth Amendment in the first place, or whether recklessly creating a situation that requires deadly force can itself violate the Fourth Amendment. On this record, the officers plainly did not violate any clearly established law.

The doctrine of qualified immunity shields officers from civil liability so long as their conduct "does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Pearson* v. *Callahan*, 555 U. S. 223, 231 (2009). As we have explained, qualified immunity protects "'all but the plainly incompetent or those who knowingly violate the law.'" *District of Columbia* v. *Wesby*, 583 U. S. ___, ___ –___ (2018) (slip op., at 13–14) (quoting *Malley* v. *Briggs*, 475 U. S. 335, 341 (1986)).

We have repeatedly told courts not to define clearly established law at too high a level of generality. See, *e.g.*, *Ashcroft* v. *al-Kidd*, 563 U. S. 731, 742 (2011). It is not enough that a rule be suggested by then-existing precedent; the "rule's contours must be so well defined that it is 'clear to a reasonable officer that his conduct was unlawful in the situation he confronted.'" *Wesby*, 583 U. S., at ___ (slip op., at 14) (quoting *Saucier* v. *Katz*, 533 U. S. 194, 202 (2001)). Such specificity is "especially important in the Fourth Amendment context," where it is "sometimes difficult for an officer to determine how the relevant legal doctrine, here excessive force, will apply to the factual situation the officer

confronts." *Mullenix* v. *Luna*, 577 U. S. 7, 12 (2015) (*per curiam*) (internal quotation marks omitted).

The Tenth Circuit contravened those settled principles here. Not one of the decisions relied upon by the Court of Appeals—*Estate of Ceballos* v. *Husk*, 919 F. 3d 1204 (CA10 2019), *Hastings* v. *Barnes*, 252 Fed. Appx. 197 (CA10 2007), *Allen*, 119 F. 3d 837, and *Sevier* v. *Lawrence*, 60 F. 3d 695 (CA10 1995)—comes close to establishing that the officers' conduct was unlawful. The Court relied most heavily on *Allen*. But the facts of *Allen* are dramatically different from the facts here. The officers in *Allen* responded to a potential suicide call by sprinting toward a parked car, screaming at the suspect, and attempting to physically wrest a gun from his hands. 119 F. 3d, at 841. Officers Girdner and Vick, by contrast, engaged in a conversation with Rollice, followed him into a garage at a distance of 6 to 10 feet, and did not yell until after he picked up a hammer. We cannot conclude that *Allen* "clearly established" that their conduct was reckless or that their ultimate use of force was unlawful.

The other decisions relied upon by the Court of Appeals are even less relevant. As for *Sevier*, that decision merely noted in dicta that deliberate or reckless preseizure conduct can render a later use of force excessive before dismissing the appeal for lack of jurisdiction. See 60 F. 3d, at 700–701. To state the obvious, a decision where the court did not even have jurisdiction cannot clearly establish substantive constitutional law. Regardless, that formulation of the rule is much too general to bear on whether the officers' particular conduct here violated the Fourth Amendment. See *al-Kidd*, 563 U. S., at 742. *Estate of Ceballos*, decided after the shooting at issue, is of no use in the clearly established inquiry. See *Brosseau* v. *Haugen*, 543 U. S. 194, 200, n. 4 (2004) (*per curiam*). And *Hastings*, an unpublished decision, involved officers initiating an encounter with a potentially suicidal individual by chasing him into his bedroom, screaming at him, and pepper-spraying him. 252 Fed.

Appx., at 206. Suffice it to say, a reasonable officer could miss the connection between that case and this one.

Neither the panel majority nor the respondent have identified a single precedent finding a Fourth Amendment violation under similar circumstances. The officers were thus entitled to qualified immunity.

The petition for certiorari and the motions for leave to file briefs *amici curiae* are granted, and the judgment of the Court of Appeals is reversed.

It is so ordered.