

19-292 TORRES V. MADRID

DECISION BELOW: 769 Fed.Appx. 654

LOWER COURT CASE NUMBER: 18-2134

QUESTION PRESENTED:

Police officers shot Petitioner, but she drove away and temporarily eluded capture. In this excessive force suit, the district court granted summary judgment for the officers on the ground that no Fourth Amendment "seizure" occurred. The Tenth Circuit affirmed, reasoning that an officer's application of physical force is not a seizure if the person upon whom the force is applied is able to evade apprehension.

The question presented is:

Is an unsuccessful attempt to detain a suspect by use of physical force a "seizure" within the meaning of the Fourth Amendment, as the Eighth; Ninth, and Eleventh Circuits and the New Mexico Supreme Court hold, or must physical force be successful in detaining a suspect to constitute a "seizure," as the Tenth Circuit and the D.C. Court of Appeals hold?

**PRESS RELEASE OF MARCH 16, 2020
IN KEEPING WITH PUBLIC HEALTH PRECAUTIONS RECOMMENDED IN
RESPONSE TO COVID-19, THE SUPREME COURT IS POSTPONING THE ORAL
ARGUMENTS CURRENTLY SCHEDULED FOR THE MARCH SESSION.**

4/13/2020: ARGUMENT TO BE RESCHEDULED FOR THE OCTOBER TERM 2020

CERT. GRANTED 12/18/2019