

24-362 MARTIN V. UNITED STATES

DECISION BELOW: 2024 WL 1716235

LOWER COURT CASE NUMBER: 23-10062

QUESTION PRESENTED:

Petitioners are the innocent victims of a wrong-house raid conducted by an FBI SWAT team in Atlanta, Georgia. Seeking a remedy for torts committed against them, Petitioners brought a cause of action against the United States under the Federal Tort Claims Act. In its opinion below, the Eleventh Circuit held that all of Petitioners' FTCA claims are barred by sovereign immunity supplied either through the Constitution's Supremacy Clause or the FTCA's discretionary-function exception.

In one or more ways, the opinion below conflicts with decisions from every other circuit.

The questions presented are:

1. Whether the Constitution's Supremacy Clause bars claims under the FTCA—a federal statute enacted by Congress—when the negligent or wrongful acts of federal employees "have some nexus with furthering federal policy and can reasonably be characterized as complying with the full range of federal law." Pet. App. 17a (quotation omitted).

2. Whether the FTCA's discretionary-function exception bars claims for torts arising from wrong-house raids and similar negligent or wrongful acts by federal employees

GRANTED LIMITED TO THE FOLLOWING QUESTIONS: 1) WHETHER THE CONSTITUTION'S SUPREMACY CLAUSE BARS CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT WHEN THE NEGLIGENT OR WRONGFUL ACTS OF FEDERAL EMPLOYEES HAVE SOME NEXUS WITH FURTHERING FEDERAL POLICY AND CAN REASONABLY BE CHARACTERIZED AS COMPLYING WITH THE FULL RANGE OF FEDERAL LAW. 2) WHETHER THE DISCRETIONARY-FUNCTION EXCEPTION IS CATEGORICALLY INAPPLICABLE TO CLAIMS ARISING UNDER THE LAW ENFORCEMENT PROVISIO TO THE INTENTIONAL TORTS EXCEPTION. EXPEDITED BRIEFING.

CHRISTOPHER MILLS, ESQUIRE, OF CHARLESTON, SOUTH CAROLINA, IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE JUDGMENT BELOW AS TO THE FIRST QUESTION IDENTIFIED IN THE ORDER GRANTING THE PETITION FOR A WRIT OF CERTIORARI.

CERT. GRANTED 1/27/2025