



## WHEN SHARING EVIDENCE IS NOT A SEARCH

### Fifth Circuit Grants Qualified Immunity

*Lewis v. Walley No. 24-60379  
(5th Cir. Feb. 23, 2026)*

The U.S. Court of Appeals for the Fifth Circuit recently addressed whether a police officer violates the Fourth Amendment by reviewing evidence obtained from a cell phone by another officer.

In *Lewis v. Walley*, police in Southaven, Mississippi were investigating the fraudulent use of a stolen debit card at a Best Buy store. Around the same time, officers in a different county arrested Stephen Lewis, the plaintiff, for an unrelated car burglary. During that investigation, officers searched his cell phone without a warrant and discovered photos of receipts from the Best Buy purchase tied to the stolen card.

The officer who found the images forwarded them to Detective Walley in Southaven who was investigating the debit-card fraud. Believing the phone search had been conducted pursuant to a warrant, Detective Walley reviewed the images

and used them to obtain an arrest warrant for Lewis.

Lewis later sued Walley under 42 U.S.C. § 1983, claiming that the officer violated his Fourth Amendment rights by reviewing images taken from his phone during what he alleged was an unconstitutional warrantless search. The trial court denied Detective Walley's qualified immunity defense and she then appealed. The Fifth Circuit reversed.

The appellate court focused on whether Detective Walley violated **clearly established law** by reviewing images taken from Lewis's cell phone by another officer. The court concluded that no clearly established precedent held that simply reviewing images obtained by another officer constituted a new Fourth Amendment search.

**Key Take Away:** The Fifth Circuit recognized that officers frequently share information and evidence with one another. In this case, Detective Walley relied on images another officer pulled from a phone. The court did not consider Walley's review of that information as a new search. A key fact in this case was Walley believed the original phone search was conducted pursuant to a warrant.

When officers reasonably rely on evidence obtained by other officers, qualified immunity may protect them – even if the original search later turns out to be problematic. Because here, the law did not clearly establish that Walley's conduct was unconstitutional, the court held that she was entitled to qualified immunity.

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