



AUGUST 2026

SUPREME COURT SENDS BODYWEIGHT RETRAIT CASE BACK TO THE NINTH CIRCUIT FOR A SECOND LOOK

Smith v. Scott No. 24-1099
(U.S. Apr. 20, 2026) (cert. granted,
judgment vacated, remanded)

WHAT HAPPENED

Around 3:09 a.m. on March 3, 2019, Roy Anthony Scott, a man with a history of mental illness called 911 from his Las Vegas apartment, reporting that three intruders were outside, one possibly armed with a saw. Dispatch advised the responding officers that Scott was mentally ill. Las Vegas Metropolitan Police Department Officers Kyle Smith and Theodore Huntsman responded.

Officers took Scott to the ground and restrained him prone. They used bodyweight compression on his back and neck for about 95 seconds while handcuffing him. Scott soon became unresponsive, lost consciousness, and was later pronounced dead. His daughter, Rochelle Scott, and a co-administrator of his estate sued the officers and the Department under 42 U.S.C. § 1983.

THE NINTH CIRCUIT RULING

In *Scott v. Smith*, 109 F.4th 1215, No. 23-15480 (9th Cir. 2024), the Ninth Circuit affirmed the denial of qualified immunity on the Fourth Amendment excessive-force claim. It held that bodyweight compression on a prone individual can cause compression asphyxia and amount to deadly force, relying on *Drummond v. City of Anaheim*, 343 F.3d 1052 (9th Cir. 2003). The panel emphasized that Scott was not suspected of a crime, was in mental-health crisis, and posed little or no danger and likened the restraint to *Drummond*, where officers pressed their weight on the neck and torso of a handcuffed man as he lay prone.

WHAT THE SUPREME COURT DID

The Court granted certiorari, vacated the Ninth Circuit's judgment, and remanded for reconsideration in light of *Zorn v. Linton*, 607 U.S. 568 (2026) (per curiam). Justices Sotomayor, Kagan, and Jackson would have denied review. The Court did not decide whether the officers are entitled to immunity; it directed the Ninth Circuit to reapply the stricter clearly-established-law standard.

The officers had framed the question as whether they acted reasonably using bodyweight pressure to restrain a potentially armed, actively resisting individual only until handcuffing could be completed and whether *Drummond* was too factually different to give fair notice, since *Drummond* involved a fully handcuffed, non-resisting man. Critically, the panel viewed the facts in the plaintiffs' favor: Scott had complied with commands, dropped the object he was holding, was not suspected of a crime, and posed no apparent threat. The officers' contrary characterization, that Scott was armed and actively resisting, is the factual dispute the remand will test.



WHAT A GVR MEANS

A “GVR” (*Grant, Vacate, Remand*) is not a ruling on the merits. It erases the lower-court decision and requires a fresh analysis under new controlling authority. The Ninth Circuit may reach the same result or a different one, but it must now measure the precedent against the Supreme Court’s insistence that clearly established law be defined with a high degree of specificity, not by broad analogy.

WHY THIS MATTERS TO YOU

Bodyweight compression on a prone subject remains legally dangerous ground. Even with this reset, Ninth Circuit precedent has repeatedly warned that sustained pressure on the back, neck, or upper torso of a prone, restrained person can be treated as deadly force, especially where the subject is not a violent felon and poses no immediate threat. The Supreme Court’s remand tightens the qualified-immunity analysis; it does not endorse the technique.

KEY TAKEAWAY

Once a subject is prone and controlled, get them off their chest and stomach as soon as it is safe, prolonged bodyweight pressure on the back or neck of a restrained person can be characterized as deadly force and can kill. Continuously reassess the threat and the subject’s breathing and reduce force the moment resistance stops. The presence or absence of a crime, a weapon, resistance, and mental-health crisis all shape the reasonableness analysis. Train to the technique, document what you saw and why, and never maintain compression on a subdued subject.

BOTTOM LINE

The Supreme Court wiped out a Ninth Circuit ruling that had denied qualified immunity to two Las Vegas officers who used bodyweight compression on a prone, allegedly resisting man. The Court ordered the Ninth Circuit to reconsider the case under the demanding “high specificity” standard it announced weeks earlier in *Zorn v. Linton*. This is a procedural reset, not a final win - but it signals real skepticism of the denial of immunity.

Stay Safe!