

Case Summary: *Martin v. United States*, No. 24-362 (U.S. June 12, 2025)

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(All views expressed in this article are those of the author and do not necessarily represent the position of the Clemson Law Review or its leadership.)

On “October 18, 2017, the Federal Bureau of Investigation raided the wrong house in suburban Atlanta.”¹ While “[o]fficers meant to execute search and arrest warrants at a suspected gang hideout, 3741 Landau Lane, . . . they [instead] stormed a quiet family home, 3756 Denville Trace, occupied by Hilliard Toi Cliatt, his partner Curtrina Martin, and her 7-year-old son G. W.”² The petitioners’ front door was breached, a flash-bang grenade was detonated, Cliatt was assaulted and put into handcuffs, and Martin was held at gunpoint.³ The mistake was attributed to Special Agent Lawrence Guerra’s use of a personal GPS device, as well as the SWAT team’s failure to recognize the incorrect street sign and address of the home in which they raided.⁴ The Martin-Cliatt family was left with personal injuries, property damage and trauma at the hands of the federal employees.

¹ *Martin v. United States*, No. 24-362, slip op. at 1 (U.S. June 12, 2025).

² *Id.*

³ *Id.* at 2 (“A six-member SWAT team, led by FBI Special Agent Lawrence Guerra, breached the front door and detonated a flash-bang grenade. Fearing a home invasion, Mr. Cliatt and Ms. Martin hid in a bedroom closet. But the SWAT team soon found the couple’s hiding spot, dragged Mr. Cliatt from the closet, ‘threw [him] down on the floor,’ handcuffed him, and began ‘bombarding [him] with questions.’ Meanwhile, another officer trained his weapon on Ms. Martin, who was lying on the floor half-naked, having fallen inside the closet.”) (cleaned up).

⁴ *Id.* at 2 (“And it seems the agents neither noticed the street sign for ‘Denville Trace’, nor the house number, which was visible on the mailbox at the end of the driveway.”).

As a result of the damages, the Martin-Cliatt family filed a lawsuit against the United States under the Federal Tort Claims Act (FTCA). The FTCA allows individuals to sue for injuries or damage caused by the negligence of federal employees by waiving the federal government’s sovereign immunity from these cases. However, the FTCA also contains 13 statutory exceptions to the waiver of immunity, two of which are relevant to law enforcement misconduct. The first is the intentional-tort exception, which protects the government from liability for certain intentional misconduct acts committed by federal officers.⁵ The second is the discretionary-function exception, which prohibits claims against the government that are based on an official’s exercise of discretionary functions.⁶

Initially, the U.S. District Court for the Northern District of Georgia granted summary judgment for the federal government.⁷ Then, on appeal, the Eleventh Circuit affirmed the decision, applying a distinct approach to the discretionary-function exception.⁸ The Eleventh Circuit broadly interpreted the “law enforcement proviso,” which is housed within section §2680(h) of the United States Code and countermands the intentional-tort exception, allowing for suit when torts are committed by “investigative or law enforcement officers.”⁹ In their interpretation,

⁵ *Id.* at 3 (“Located in subsection (h) of §2680, it prohibits claims alleging any of 11 enumerated torts.”).

⁶ *Id.* at 4 (“Housed in subsection (a) of §2680, this exception bars ‘any claim’ based on the exercise of an official’s ‘discretionary function.’”) (cleaned up).

⁷ *Id.* at 3 (“After discovery and motions practice, the district court rejected each of the plaintiffs’ claims and granted summary judgment to the government.”).

⁸ *Id.* at 3 (“The Eleventh Circuit affirmed and, in doing so, relied on an understanding of the FTCA that no other circuit has adopted.”).

⁹ *Id.* at 3 (“But the exception is itself subject to a ‘law enforcement proviso’. See *Millbrook v. United States*, 569 U.S. 50, 55 (2013). That proviso countermands the exception with respect to six intentional

they held that this proviso overrides all exceptions in §2680, including the discretionary-function exception.¹⁰ In order to compensate for this expansive approach, they applied the Supremacy Clause to the discretionary-function exception, which provides the rule of decision when state and federal laws conflict, favoring federal law as the “supreme Law of the Land.”¹¹ The Eleventh Circuit held that the government has sovereign immunity in instances where the law enforcement officer’s actions maintain “some nexus with furthering federal policy and can reasonably be characterized as complying with the full range of federal law.”¹² Since Special Agent Guerra exercised discretion in preparing for the warrant execution, the petitioners’ negligence claims were dismissed by the Eleventh Circuit.¹³

The Supreme Court granted the Martin-Cliatt family’s petition for certiorari. In a unanimous decision, the Supreme Court remanded the case to the Eleventh Circuit. Justice Gorsuch delivered the opinion of the Court, first contrasting the Eleventh Circuit’s approach with other circuit courts on similar cases.¹⁴ At the liability stage in FTCA cases, other courts assess whether a “private individual under

torts (including assault, battery, false imprisonment, and false arrest) against ‘investigative or law enforcement officers.’”).

¹⁰ *Id.* at 5 (“The Eleventh Circuit does so because, in its view, the law enforcement proviso does not just override the intentional-tort exception, it overrides all the other exceptions in §2680, the discretionary-function exception included.”).

¹¹ *Id.* at 5 (“But in the Eleventh Circuit, the government may assert a particular affirmative defense under the Constitution’s Supremacy Clause. See *Denson v. United States*, 574 F. 3d 1318, 1347 (2009)”).

¹² *Id.* at 5.

¹³ *Id.* at 6 (“It dismissed the plaintiffs’ negligence claims under the discretionary-function exception because, in its view, Agent Guerra ‘enjoyed discretion in how he prepared for the warrant execution.’”).

¹⁴ *Id.* at 5 (“Rather than asking whether the discretionary-function exception bars either the plaintiff’s negligent-tort claims or his intentional-tort claims, as most courts do, the Eleventh Circuit applies that exception only to the plaintiff’s negligence claims”).

like circumstances” would be liable under the state tort law where the government’s wrongful act occurred.¹⁵ By contrast, the Eleventh Circuit imposed the Supremacy Clause defense to evaluate whether the law enforcement officer’s acts furthered federal policy or complied with federal law. Thus, Justice Gorsuch outlined the Eleventh Circuit’s use of the Supremacy Clause, reiterating that the Constitution and federal laws take precedence when conflicted with state laws.¹⁶ However, the Court emphasized that the FTCA’s liability rule incorporates state law, and therefore the Supremacy Clause does not provide a government defense in FTCA cases.¹⁷ The Court ultimately determined that the Eleventh Circuit must consider under Georgia state law whether a “private individual under like circumstances” would be liable for the acts and omissions the plaintiffs alleged.¹⁸

Justice Sotomayor filed a concurring opinion, joined by Justice Jackson. The concurring opinion reasoned that the discretionary-function exception did not apply to this case. Justice Sotomayor acknowledged that federal employees possess an element of discretion, but argued that “the exception does not apply reflexively.”¹⁹

¹⁵ *Id.* at 5.

¹⁶ *Id.* at 12. (“It provides that the ‘Constitution, and the Laws of the United States which shall be made in Pursuance thereof... shall be the supreme Law of the Land... any Thing in the Constitution or Laws of any state to the Contrary notwithstanding’. Art. VI, cl. 2.”).

¹⁷ *Id.* at 12-13. (“Because the FTCA’s liability rule incorporates state law, in most cases there is no conflict for the Supremacy Clause to resolve.”).

¹⁸ *Id.* at 17. (“Should some or all of the plaintiffs’ claims survive the discretionary-function exception, the Eleventh Circuit must then ask whether, under Georgia state law, a ‘private individual under like circumstances’ would be liable for the acts and omissions the plaintiffs allege, subject to the defense discussed in §2674—not a Supremacy Clause defense nowhere mentioned there.”).

¹⁹ *Id.* at 2 (Sotomayor, J., concurring) (“Even where a federal employee retains an element of choice, however, the exception does not apply reflexively. After all, it is rare for statutes or regulations to prescribe an official’s required course of conduct down to the very last detail, so some degree of choice will almost invariably remain.”).

She further elaborated that, “Like driving, executing a warrant always involves some measure of discretion.”²⁰ However, she noted that Special Agent Guerra’s use of his personal GPS, as well as his failure to check the street sign or house number of the home, did not involve the “kind of policy judgements that the discretionary-function exception was designed to protect,” but were instead instances of negligent uses of discretion.²¹

The Supreme Court’s decision in *Martin v. United States* narrows the scope of FTCA’s discretionary-function exception. The ruling of this case confirmed that the Supremacy Clause does not offer the federal government full protection in FTCA suits, as FTCA relies on applying state law to the federal government. Furthermore, the case ensured that the federal government must be assessed in the context of a private actor under state tort law, without the blanket defense of the Supremacy Clause. While the Supreme Court did not resolve all of the ambiguities of FTCA, this case clarified an issue that was long overdue for consideration. In the concurring opinion, Justice Sotomayor noted that it had been 34 years since the Supreme Court last weighed in on the discretionary-function exception of FTCA.²² The decision to remand this case reinforces that lower courts must adopt a more precise approach to

²⁰ *Id.* at 4 (Sotomayor, J., concurring) (“Like driving, executing a warrant always involves some measure of discretion.”).

²¹ *Id.* (“Yet it is hard to see how Guerra’s conduct in this case, including his allegedly negligent choice to use his personal GPS and his failure to check the street sign or house number on the mailbox before breaking down Martin’s door and terrorizing the home’s occupants, involved the kind of policy judgements that the discretionary-function exception was designed to protect”).

²² *Id.* at 3 (“It has been 34 years since this Court last weighed in on the discretionary-function exception, and despite substantial percolation in the courts of appeals, the ‘exact boundaries of the exception remain unclear.’”) (cleaned up).

the discretionary-function exception, without reliance on broader policy-based judgements.