



Man Beaten by Officers Loses High Court Case Over Civil Suit (1)

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A man fighting barriers to suing law enforcement lost his Supreme Court dispute against the fugitive task force officers who beat him in what Justice Clarence Thomas called a “violent encounter.”

In a unanimous ruling on Thursday that deals another blow to plaintiffs seeking police accountability, Thomas said an appeals court was wrong to let James King’s suit proceed.

A ruling for the government would make it “harder to hold law enforcement accountable at a time when more federal officers are engaged in local policing efforts and more state and local officers are being treated as federal officers for purposes of litigation,” the National Police Accountability Project and the Cato Institute told the justices in an amicus filing ahead of the decision.

In 2014, two plainclothes members of an FBI joint fugitive task force misidentified King. A Grand Rapids, Mich., police detective and an FBI special agent wearing their badges on lanyards stopped him. King says he thought he was being mugged and tried to flee before the officers beat him.

King sued the task force officers under Bivens, the 1971 Supreme Court case that authorizes suits against federal officers for rights violations. At the same time, he sued the U.S. government under the Federal Tort Claims Act. His Supreme Court case concerned the interplay between those two claims, and whether the dismissal of the FTCA claims blocks his constitutional claims against the officers.

At issue was the FTCA’s “judgment bar,” which says FTCA judgments block suits involving the same subject matter against the federal employee whose act gave rise to the claim.

The U.S. Court of Appeals for the Sixth Circuit said the district court’s dismissal of King’s FTCA claims didn’t trigger the judgment bar to block his *Bivens* claims, because King’s failure to establish all elements of his FTCA claims had deprived the court of subject-matter jurisdiction. The Sixth Circuit also said the officers weren’t entitled to qualified immunity.

But the district court’s order was a judgment on the merits of the FTCA claims that can trigger the judgment bar, Thomas wrote for the court, reversing the Sixth Circuit.

“While waiving sovereign immunity so parties can sue the United States directly for harms caused by its employees, the FTCA made it more difficult to sue the employees themselves by adding a judgment bar provision,” Thomas wrote.

Justice Sonia Sotomayor wrote a concurring opinion. She emphasized that the court didn’t decide whether an order resolving the merits of an FTCA claim precludes other claims arising out of the same subject matter in the same suit. The issue “merits far closer consideration than it has thus far received,” she wrote.

The case is *Brownback v. King*, U.S., No. 19-546.