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FEATURE:

6th Circuit Holds Fourth Amendment Claims Accrue at Time of Arrest, Not Later Disclosure of Exculpatory Evidence

Abbey v. Metro. Gov't of Nashville & Davidson Cnty., No. 25-5736 *(6th Cir. July 17, 2026)*

Officer Terrance Stuckey followed Naya Abbey's car on August 14, 2019, to Abbey's friend's house where she had been staying and unloading some of her personal items. Abbey noticed a blue car following her and when she entered the driveway did not get out of the car in fear of her and her child's safety. She pulled out of the driveway and continued down the road. Stuckey claimed he first activated his lights at 8:02 p.m. and that she nearly hit a pedestrian. Stuckey pulled Abbey over, drew his gun, removed her from the car, and searched it. He then told her that her son, D.H. would be placed with child services, transported her to jail, and she was released after several hours. At a preliminary hearing, Stuckey testified Abbey sped through intersections and refused to stop after he engaged lights and sirens, and the case was bound over to criminal court but stayed for three years. On August 24, 2022, prosecutors disclosed dispatch tapes in which Stuckey reported Abbey was driving normal speeds, that he was not in pursuit, and with timestamps conflicting with his testimony. Prosecutors concluded Stuckey had not activated lights until shortly before 8:13 p.m., and dismissed Abbey's charges a week after disclosure. However, due to the long delays in her case and the charge against her being a felony, Abbey faced severe harms from the prosecution, including job loss, which led to homelessness for about two years, assaults, a miscarriage, the death of a newborn, and loss of meaningful contact with D.H. Abbey and D.H. sued Stuckey and Metro under § 1983 for Fourth Amendment violations and alleged Metro committed a Brady violation by withholding the dispatch tapes for three years. The district court dismissed all claims, holding Abbey's Fourth Amendment claims time-barred, rejecting the Brady claim, finding no Metro policy or custom, and sua sponte dismissing D.H.'s claims against Stuckey.

Legal Question(s):

1. Whether the statute of limitations for Abbey's Fourth Amendment claims began when she was arrested or when the tapes were disclosed.
2. Whether a plaintiff can still have a Brady claim when the criminal prosecution had been discontinued.

Holding(s):

The court held that Abbey's Fourth Amendment claims were time-barred because the statute of limitations began running when she was arrested, not when the tapes were turned over to her, and the Brady claim only applies to evidence presented at trial, which did not occur here. However, the court reversed as to her son's Fourth Amendment claim because the district court acted without notice and Tennessee law tolls the limitations period for minors.

Analysis:

The court held Abbey's Fourth Amendment claims time-barred under either the occurrence or discovery accrual rules because she knew of her injuries and their cause on August 14, 2019, when she was arrested. It reasoned that arrest, vehicle search, and force were known to Abbey then, and she knew the source was a Nashville officer, later identified by the preliminary hearing. The court rejected Abbey's argument that accrual awaited the 2022 dispatch tapes, stating discovery accrual turns on awareness of actual injury, not legal wrong. It emphasized Fourth Amendment claims are judged by objective reasonableness and typically accrue on the date of arrest, search, or force. The court found Abbey's own allegations that she followed traffic laws and immediately stopped would have prompted earlier investigation without awaiting additional proof. The opinion noted that Abbey did not raise equitable tolling or fraudulent concealment, so those bases for delay were not considered.

On the Brady claim, the court held no violation occurred because Brady safeguards a fair trial, and the prosecution dismissed charges before any trial. It characterized Brady materiality as a trial-focused standard and concluded delayed disclosure cannot affect trial strategy when no trial occurs.

However, the court reversed the sua sponte dismissal of D.H.'s Fourth Amendment claim against Stuckey because the district court acted without notice or opportunity to respond. It found the error not harmless, noting Tennessee tolls minors' claims until age eighteen and Stuckey did not defend harmlessness.

Note: If this case leaves you with a bad taste in your mouth and the feeling that you have more questions than answers as a result of reading it, you, me, and at least 2 judges on the panel are all in the same boat. Judge Cole's concurrence expressed concern about law enforcement behavior alleged here (false attestation and years-long nondisclosure), while agreeing the claims were untimely; he also suggested Abbey's allegations could have supported a malicious prosecution claim and that equitable tolling might be appropriate in similarly difficult circumstances. Judge Clay went even further and outright dissented, arguing Abbey plausibly lacked notice of any absence of probable cause until the dispatch tapes surfaced and criticizing the government's prolonged concealment of exculpatory evidence; he would have allowed Abbey's Fourth Amendment claims to proceed. I would also add that a statute of limitations is the last thing on the mind of someone dealing with homelessness and the various traumas inflicted on Abbey as a result of that homelessness. This seems like one of those situations where the text of the law is wholly unprepared to deal with the nuance of actual human situations.

Abbey v. Metro. Gov't of Nashville & Davidson Cnty.

SHORT SUMMARIES:

D.C. Circuit – Land Use – Substantive Due Process

Plaintiffs owned rowhouses, sued the District alleging the D.C. Zoning Commission violated substantive due process when it approved a developer's Design Review application for an eleven-story residential project behind where they lived. The dispute centered on a 2017 easement agreement granting a perpetual, non-exclusive twelve-foot right of way and on appellants' claims that (1) the Commission approved the application without obtaining their signatures as purportedly required by zoning regulations, and (2) the Commission failed to adequately investigate whether the easement was final/recorded before relying on it in approving the project.

The court affirmed dismissal under Rule 12(b)(6) because the complaint did not plausibly allege conscience-shocking or willful, unreasoning government action. Even assuming a signature requirement applied, the court concluded the alleged failure to obtain signatures amounted at most to a violation of local law or negligence, not a product of egregious conduct. As to the easement, the court's finding was very similar to the signature requirement in that while technical local rules may have been violated, it was clear that at worst, minor procedural negligence occurred which did not meaningfully impact substantive due process rights.

Samaddar, DDS v. District of Columbia

7th Circuit – Excessive Force - Evidence

For those looking for drama, this case has some. A couple of folks went downtown in Chicago for a night out. They went to what must have been a popular bar and, as part of a group, congregated outside the entrance to the bar. At some point the owner asked the folks to move down the street. They did, but apparently not far enough. Words were exchanged, including racial epithets. A fight ensued between the owner, bouncers, and some folks in the group, including the Plaintiff. The police came and began breaking up the fight. In doing so, an officer came up behind one of the Plaintiffs, who was striking someone with a bra and a necklace and shoved her to the ground. She began seizing. She sued.

A jury trial followed, and a co-Plaintiff basked in an award by the jury against the bar owner. The officer and City of Chicago, due to the terrific work of their legal team, left court without liability. But the Plaintiff who was pushed from behind, sought to challenge evidentiary decisions and the jury's verdict against her by appealing. The panel reviewed a bunch of trial court decisions, including a decision to allow video but not audio of two bystanders' films of the events because the audio included hearsay opinions regarding the officer's behavior. The Plaintiff argued that the "excited utterance" and "present sense impression" exceptions applied before the appellate court reminded her that Rule 403 still applied and that the trial court did not err in applying the rule. The court also allowed testimony from a nurse who treated the Plaintiff and recounted how belligerent she was towards herself and other staff, including threats and racial epithets, and testimony from a treating psychiatrist who discussed malingering and how some folks seek treatment for "secondary gain" which the panel took to mean monetary recovery from a lawsuit. The panel affirmed the jury's verdict to deny her compensation from anyone. A great case to give yourself a refresher on some rules of evidence.

Bedford vs. DeWitt

10th Circuit – Free Speech – Libraries

The Lawrence, Kansas, public library had a behavior policy that barred conduct that disturbed others' use, created unsafe conditions, impeded staff, or posed a risk of property damage. Its November 2024 free speech policy designated the library a limited public forum focused on peaceful study and enjoyment free from disturbance and prohibited "free speech activities" inside, including holding signs, protesting, expressive conduct or speech, distributing literature, public speaking, panhandling, and soliciting signatures or donations. Justin Spiehs, along with a friend, repeatedly displayed signs or flags inside the library and was told to remove them or leave; he was suspended for a week, then for three months. He sought declaratory and injunctive relief against policies both applied and not applied to him, but on appeal abandoned challenges to the former.

The court held he lacked standing for declaratory and injunctive relief because he alleged no subjective chilling and intended to return and speak the same way. On First Amendment damages claims, the court found the free speech policy content-neutral on its face and in purpose because it banned all signs and protesting to preserve a quiet study environment. As-applied challenges failed for three cited incidents because enforcement turned on manner of display, not message content, and one incident involving flags was waived in the pretrial order and showed no content discrimination. The policies were narrowly tailored to the significant governmental interest of maintaining a quiet environment for reading and study, and ample alternative channels remained, including protesting outside and expressive clothing inside. The behavior policy challenge failed because enforcement treated signs as disruptive regardless of content, and Spiehs identified no content-based applications. His vagueness claim appeared only within requests for declaratory and injunctive relief, so he lacked standing and the court lacked jurisdiction over it. Equal protection claims failed because Spiehs was not similarly situated to others treated more favorably, as staff saw him displaying a sign while not seeing his companion do so, and his companion wore a flag rather than displaying it. A procedural due process suspension claim was waived by omission from the final pretrial order. Retaliation claims failed because his conduct was not constitutionally protected in light of the valid time, place, and manner restrictions. The court therefore affirmed the district court's judgment for all defendants on all claims.

Spiehs v. Morgan

7th Circuit - Airports - FBO - Grants - Competition Requirements

Being an airport sponsor offers various financial benefits from the FAA's rather large purse. The FAA tied those benefits to its joy in placing restrictions on how the recipient can operate the airport. Among those restrictions, the FAA makes competition between FBO's a part. In this case, the city's airport operations had been going along at a pretty steady pace for years, with one FBO being required to move underground fuel storage to above-ground fuel storage as part of several renewed leases, but without the city ever enforcing that restriction. A disgruntled FBO, believing the city had treated it differently, sued, claiming that the city had given another FBO a more favorable lease and had excused the competitor from certain minimum standards.

The court ruled for the city and the panel affirmed. As to the class of one theory, the panel neatly summarized its view: "The Constitution does not require the City to have identical contracts with each fixed-base operator. Negotiating over lease terms, bargaining over finances, and making decisions about how to respond to a counter-party's defective contract performance all involve discretionary and individualized decision-making similar to the decisions that the Supreme Court held in *Engquist* cannot give rise to class-of-one liability." The Plaintiff argued that the Minimum Standards and grant assurances were incorporated in the city's contracts under the "incorporation

doctrine"'i.e., the doctrine in contract law that provides when a contract is entered it incorporates laws, regulations and ordinances that exist and apply to the performance of the contract. In this case the court concluded that the grant conditions were not law, rather they formed a part of a contract between the city and the FAA and it concluded that the Minimum Standards were aspirational and did not carry the force of law.

Joliet Avionics v. City of Aurora