

Martin v. United States: Supreme Court Allows Suit Against the Federal Government for Raid on Wrong House

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On June 12, 2025, in *Martin v. United States*, the Supreme Court addressed whether the federal government could be held liable for a raid by Federal Bureau of Investigation (FBI) agents mistakenly carried out on a family's house. The Court allowed the lawsuit to continue under the [Federal Tort Claims Act](#) (FTCA), which provides an avenue for individuals to sue the government for compensation for injuries by federal employees “acting within the [scope](#) of [their] office or employment.”

The [unanimous opinion](#) authored by Justice Neil Gorsuch held that the [Supremacy Clause](#) of the United States Constitution does not shield the federal government from liability even where the government actions were made in furtherance of federal policy and complied with federal law. The opinion also clarified the interaction between two exceptions in the FTCA for holding the government liable: the [intentional-tort exception](#) and the [discretionary-function exception](#). Justice Sonia Sotomayor wrote a [concurring opinion](#), joined by Justice Ketanji Brown Jackson, suggesting a narrower reading of the discretionary-function exception than the Court had [previously](#) instructed.

This Legal Sidebar explains the law at issue in the case, outlines the factual and procedural background, discusses the Justices' opinions, and presents considerations for Congress.

Legal Background

The FTCA [waives](#) the federal government's [sovereign immunity](#) from lawsuits seeking compensation for injuries by federal employees acting within the scope of their employment. The statute also provides [exceptions](#) to the waiver of immunity under which plaintiffs cannot hold the government liable. Two of these exceptions were central to whether the family's case could proceed in *Martin*: the [intentional-tort exception](#) and the [discretionary-function exception](#). The Court in *Martin* also considered whether the Supremacy Clause bars liability against the federal government under the FTCA for acts effectuating federal policy and in compliance with federal law.

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Intentional-Tort Exception

The [intentional-tort exception](#) provides that the government cannot be sued for claims alleging certain intentional wrongdoing by federal employees, such as assault and battery. The exception does not apply to “[acts or omissions](#)” of law enforcement officers. This carveout is known as the “[law-enforcement proviso](#)” and allows certain claims against the government for intentional wrongs by federal law enforcement officers. Thus, conceptually, the proviso operates as an “exception from the exception” or a “re-waiver” of sovereign immunity.

Discretionary-Function Exception

The [discretionary-function exception](#) prohibits claims against the government that are based on the exercise of an official’s “discretionary function.” The Supreme Court has clarified that the exception applies to decisions involving “[an element of judgment or choice](#).”

Supremacy Clause

The [Supremacy Clause](#) 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.” In other words, it provides that federal law prevails when in [conflict](#) with state law. The U.S. Court of Appeals for the Eleventh Circuit, from which *Martin* was appealed, previously interpreted the Supremacy Clause to provide an [affirmative defense](#) to FTCA claims where a law enforcement officer’s actions giving rise to the claim furthered federal policy and otherwise complied with federal law.

Factual and Procedural Background

In 2017, FBI agents sought to [execute](#) warrants at a house in suburban Atlanta where suspected gang members were believed to be hiding. The Global Positioning System used by the agents, however, [directed them](#) to another house—the home of the Martin family. The agents [broke down](#) the door, detonated a flash-bang grenade, handcuffed a resident, and held members of the family at gunpoint. After noticing mail with the house’s address on it, one of the agents executing the search realized that they had raided the [wrong house](#).

Members of the family [filed](#) a lawsuit against the United States, relying on the FTCA, alleging negligent and intentional wrongdoing. The Eleventh Circuit [affirmed](#) the district court’s dismissal of the family’s claims.

On the claims of negligence, the Eleventh Circuit held that the discretionary-function exception applied and [barred the claims](#) because law enforcement agents used discretion in determining how to prepare to execute the warrant. On the claims of intentional wrongdoing, the [Eleventh Circuit viewed](#) the law-enforcement proviso as applying to all FTCA exceptions, including the discretionary-function exception, so that any claim of intentional wrongdoing by law enforcement officers proceeds to the issue of whether the government is liable on the merits, thus negating the FTCA exceptions.

The Eleventh Circuit then held that the government was not liable to the plaintiffs on the merits because the claims of intentional wrongdoing were defeated by the Supremacy Clause [defense](#). According to the court, the defense [applied](#) because (1) the FBI agent acted within his discretion when he prepared for and executed the search warrant, and (2) the agent’s actions did not violate the [Fourth Amendment](#) protections against unreasonable searches and seizures.

The family [appealed](#) the circuit court decision to the Supreme Court. The family argued [against](#) the Supremacy Clause defense and for a [broad reading](#) of the proviso. The family also [requested](#) that the Court determine whether the discretionary-function exception specifically bars suits for wrong-house raids.

The Court's Opinion

In a unanimous opinion by Justice Gorsuch, the Court [rejected](#) the Eleventh Circuit's Supremacy Clause defense because the FTCA's liability rule specifically [incorporates](#) state law. Thus, "in most cases there is no conflict for the Supremacy Clause to resolve." Furthermore, as the opinion [pointed out](#), Congress did not include the Supremacy Clause defense in the [statutory defenses](#) in the FTCA available to the government.

The Court clarified that the law-enforcement proviso overrides only the intentional-tort exception, not the discretionary-function exception or the other exceptions—rejecting the family's argument. Using [statutory interpretation](#), Justice Gorsuch reasoned that Congress had [placed](#) the proviso within the intentional-tort exception [rather than](#) as a section-wide definition. He also reasoned that the proviso addresses the same [subject matter](#) as the intentional-tort exception, while the other exceptions cover unrelated topics. The opinion acknowledged some of the FTCA's [legislative history](#) that suggested Congress's intent to address wrong-house raids through the proviso, but found that such history could not displace the plain text of the statute.

Although the Court acknowledged differing lower court views on whether wrong-house raids are subject to the discretionary-function exception, the Court [rejected](#) the family's request for a specific decision as beyond the scope of its review. Ultimately, the Court [vacated](#) the Eleventh Circuit decision and remanded the case with instructions for the lower court to consider whether the discretionary-function exception bars either the family's negligence or intentional wrongdoing claims and, if not, whether the government would be liable for the surviving claims under relevant state law, subject to the defenses available to the government, but not including the Supremacy Clause defense.

Justice Sotomayor's Concurring Opinion

In a [concurring opinion](#) joined by Justice Jackson, Justice Sotomayor indicated that the discretionary-function exception might not apply "[e]ven where a federal employee retains an element of choice." According to Justice Sotomayor, the choice that the employee makes must involve "the kind of policy judgments that the discretionary-function exception was [designed to protect](#)." Justice Sotomayor was [skeptical](#) that the exception was designed to protect the choices by the FBI agents in the mistaken raid of the Martin house.

Justice Sotomayor cited [legislative history](#) surrounding the addition of the law-enforcement proviso in the wake of previous wrong-house raids for context on what the discretionary-function exception was designed to encompass. She argued that courts "should not ignore the existence of the law enforcement proviso, or the factual context that inspired its passage, when construing the discretionary-function exception."

Considerations for Congress

Both Justice Gorsuch's unanimous and controlling opinion and Justice Sotomayor's concurring opinion discussed Congress's intent regarding various aspects of the FTCA. Justice Gorsuch highlighted the text and structure of the law-enforcement proviso to hold that it applies only to the intentional-tort exception, rejecting the family's argument that the proviso should apply more broadly because some legislative history suggested broad concern about wrong-house raids. Justice Gorsuch also observed that a Supremacy Clause defense is not provided in the FTCA as a statutory defense available to the government, and thus he concluded that Congress did not intend for such a defense to be available.

Justice Sotomayor suggested that congressional concern about the ability of plaintiffs to recover from wrong-house raids should be instructive toward determining which government actions the discretionary-function exception was designed to protect.

Consistent with its policy determinations, Congress could consider amending the FTCA if aspects of the Court's holdings do not match congressional intent.

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