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NCLA Asks Supreme Court to Revive Innocent Family's Federal Suit over FBI's Wrong-House Raid

Curtrina Martin, et al. v. United States of America, et al.

Washington, DC (March 14, 2025) – The New Civil Liberties Alliance filed an *amicus curiae* [brief](#) today in *Martin v. United States*, urging the U.S. Supreme Court to restore an Atlanta family's Federal Tort Claims Act (FTCA) suit against the government for a wrong-house raid on their home. In October 2017, Curtrina Martin and her family were awakened before dawn to deafening flash grenades and what they believed were intruders invading their home. Ms. Martin's partner was shackled on the floor and interrogated, while Ms. Martin was held at gunpoint, worried about her seven-year-old son's safety. One big problem: the FBI SWAT team had knocked down the door of the wrong home because the agent in charge had failed to verify its clearly marked address.

The family filed FTCA claims against the government for assault, battery, and false imprisonment, as well as a Fourth Amendment claim against the individual FBI agents. Rather than permit the family's claims to proceed, the U.S. Court of Appeals for the Eleventh Circuit upheld the district court's dismissal of the case, concluding that the agents' actions violated no "clearly established" law. It ruled that the family suffered harm as the result of an agent's "discretionary act" (*i.e.*, failing to check the address), thus warranting total immunity for the government and no relief for the family. NCLA urges the Supreme Court to reverse this flawed ruling, which expands the FTCA's "discretionary function" exception. The ruling distorts the Supremacy Clause to nullify claims brought under a *federal* statute and leaves victims of federal law enforcement abuse without a remedy.

Congress amended the FTCA in 1974 expressly to ensure that innocent people subjected to wrong-house raids and similar abuse by federal law enforcement officers will have a cause of action to sue. By expanding the FTCA's discretionary-function exception to reinstate immunity, the Eleventh Circuit effectively nullified the 1974 amendment. With *Bivens* relief no longer available, the FTCA offers the only viable pathway to obtain damages.

NCLA released the following statements:

"The lower court's ruling strips innocent civilians of the only meaningful remedy that Congress has provided for victims of federal law enforcement abuse. The notion that a highly trained FBI agent could not be expected to properly use GPS or to check a clearly marked house number before commencing a SWAT raid because 'it was dark outside' defies reason. Every smartphone has a flashlight. Even children know how to use Google Maps. If this is what qualifies as 'reasonable' law enforcement, then no American is safe in their home any longer."

— **Casey Norman, Litigation Counsel, NCLA**

"The Eleventh Circuit's flawed decision effectively deprives Americans whose rights have been trampled by law enforcement officers' abusive conduct of any opportunity to obtain compensation for the wrongs they have endured. The circuit court's decision flies in the face of Congress's intent in enacting the Federal Tort Claims Act, and the Supreme Court must reverse it."

— **Jenin Younes, Litigation Counsel, NCLA**

For more information visit the *amicus* page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

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