

United States Court of Appeals
For the Eighth Circuit

No. 25-2758

Sherry Renee Prunty, Individually, and as Special Administrator of the Estate of
Jayden Jessie Prunty, Deceased, and on behalf of all wrongful death beneficiaries
on behalf of Jayden Jessie Prunty; Gregory Alexander Prunty, Sr., Individually,
and as Special Administrator of the Estate of Jayden Jessie Prunty, Deceased, and
on behalf of all wrongful death beneficiaries,

Plaintiffs - Appellants,

v.

Corey Obregon, Individually and in his official capacity as Police Officer of the
City of Jonesboro Police Department; Rick Elliott, Individually and in his official
capacity as Police Officer of the City of Jonesboro Police Department; City of Jonesboro,

Defendants - Appellees.

Appeal from United States District Court
for the Eastern District of Arkansas - Northern

Submitted: June 11, 2026
Filed: August 25, 2026

Before COLLOTON, Chief Judge, ERICKSON and GRASZ, Circuit Judges.

COLLTON, Chief Judge.

This appeal involves a tragic episode during which a police officer seized a suspect, sustained a gunshot in the leg during an ensuing struggle, and then shot and killed the suspect. The administrators of the decedent's estate sued the officer, alleging a violation of civil rights. The district court* granted the officer's motion for summary judgment, and we affirm.

I.

The incident occurred on February 9, 2022, in Jonesboro, Arkansas. This appeal arises after a motion for summary judgment, so we view the facts in the light most favorable to the plaintiffs as the non-moving parties.

Officer Corey Obregon was patrolling "Area 6" of the city of Jonesboro, an area with a high crime rate compared to the rest of the city. At approximately 10:34 p.m., Obregon saw Jayden Prunty standing in the street while holding a plastic bag. Obregon left his car, walked toward Prunty, identified himself, and told Prunty that he was doing "drug interdiction" and "community policing" in the area. Once Obregon came within several feet, Prunty said, "I just came from the store," and began to walk away.

Obregon told Prunty to "come here," and that he could "smell marijuana." Prunty continued to walk away, turned his head around, and twice told Obregon that he was lying. Obregon continued to follow Prunty, and told him to "come here" several more times. Prunty refused to stop and said, "You can't smell marijuana." Obregon began moving toward Prunty, and Prunty asked, "What are you doing?"

*The Honorable Brian S. Miller, United States District Judge for the Eastern District of Arkansas.

Obregon again told Prunty to “come here,” and Prunty responded, “No. You’re making me nervous.” They both began to run. Obregon caught up to Prunty and pushed him to the ground.

Obregon’s body camera shows that immediately after Prunty landed on the ground, he moved his left hand, and there was a “click” sound. Obregon later testified that he believed that Prunty loaded a round into the chamber of a firearm. Prunty was lying face down with his right hand beneath him and his left hand near his head. Obregon had both of his knees on the ground, and he was holding Prunty’s left hand with his own left hand. Obregon said, “Give me your hand” several times, but Prunty said, “I can’t,” and refused each time. Obregon notified the police dispatcher that he “got one fighting.”

Obregon told Prunty to “quit reaching for whatever you are reaching for,” and to “give me your hand.” Obregon said, “Let go.” He added, “I promise you if that’s a gun, it’s not going to end well for you.” Prunty responded, “I know. I know it’s not.” Prunty resisted Obregon’s attempts to secure his hands.

Obregon slid his left arm underneath Prunty, and attempted to secure the possible firearm. Obregon was then shot in his leg and yelled, “Ow!” Obregon rolled onto his right side, unholstered his own firearm, and fired two shots, both aimed at the back of Prunty’s head. Prunty did not move, and continued to lie on the ground. Obregon notified the dispatcher of “shots fired.”

Obregon stood up, pointed his firearm at Prunty, and kicked Prunty’s firearm away. He notified the dispatcher that he “took one round to the leg.” Other law enforcement officers arrived at the scene and provided medical care to Prunty. Prunty was transported to the hospital, where he was pronounced dead.

Sherry Prunty and Gregory Prunty, individually and as administrators of Jayden Prunty's estate, sued Obregon under 42 U.S.C. § 1983. The plaintiffs alleged that Obregon violated Jayden Prunty's rights under the Fourth Amendment and Fourteenth Amendment. The district court granted summary judgment for Obregon.

We review the district court's decision *de novo*. Summary judgment is proper if "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a).

II.

The Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. The "police can stop and briefly detain a person for investigative purposes if the officer has a reasonable suspicion supported by articulable facts that criminal activity 'may be afoot,' even if the officer lacks probable cause." *United States v. Sokolow*, 490 U.S. 1, 7 (1989) (quoting *Terry v. Ohio*, 392 U.S. 1, 30 (1968)).

Qualified immunity protects "all but the plainly incompetent or those who knowingly violate the law." *Malley v. Briggs*, 475 U.S. 335, 341 (1986). Officers are "entitled to qualified immunity under § 1983 unless (1) they violated a federal statutory or constitutional right, and (2) the unlawfulness of their conduct was 'clearly established at the time.'" *District of Columbia v. Wesby*, 583 U.S. 48, 62-63 (2018) (quoting *Reichle v. Howards*, 566 U.S. 658, 664 (2012)). We may address either prong of the qualified immunity analysis first. *Pearson v. Callahan*, 555 U.S. 223, 236 (2009).

"Clearly established means that, at the time of the officer's conduct, the law was sufficiently clear that every reasonable official would understand that what he is

doing is unlawful.” *Wesby*, 583 U.S. at 63 (internal quotations omitted). In the light of pre-existing law, “the unlawfulness must be apparent,” *Anderson v. Creighton*, 483 U.S. 635, 640 (1987), and “existing law must have placed the constitutionality of the officer’s conduct ‘beyond debate.’” *Wesby*, 583 U.S. at 63 (quoting *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011)).

On the making of a seizure, an officer is entitled to qualified immunity if he had *arguable* reasonable suspicion—that is, if a reasonable officer could have believed that he had reasonable suspicion. *Waters v. Madson*, 921 F.3d 725, 736 (8th Cir. 2019). And an officer who conducts a warrantless arrest is entitled to qualified immunity if he had *arguable* probable cause to arrest. *Just v. City of St. Louis*, 7 F.4th 761, 767 (8th Cir. 2021).

The first contested issue is whether Obregon violated Prunty’s clearly established rights by seizing him before the shooting. Obregon told Prunty to “come here,” and that he could “smell marijuana.” The plaintiffs argue that Obregon unlawfully detained and seized Prunty by saying “come here” with an intent to prevent Prunty from walking away.

Obregon did not seize Prunty by beckoning him to “come here.” For a seizure to occur, there must be “*either* physical force,” or “*submission* to the assertion of authority.” *California v. Hodari D.*, 499 U.S. 621, 626 (1991). There is no seizure when an officer yells “Stop” at “a fleeing form that continues to flee.” *Id.* Here, when Obregon told Prunty to “come here,” Prunty did not submit but began to walk away. Thus, Obregon did not seize Prunty until he first applied physical force—that is, when he pushed Prunty to the ground.

At that point, Obregon had reasonable suspicion to detain Prunty for unlawful possession of marijuana. *See* Ark. Code Ann. §§ 5-64-215(a)(1), 5-64-419(b)(5). Obregon told Prunty that he was doing “drug interdiction” and “community policing”

in the area. Obregon also told Prunty to “come here,” and that he could “smell marijuana.” Prunty ignored repeated commands to “come here,” and attempted to flee. Prunty’s attempted flight, his nervous and evasive behavior, Obregon’s detection of the odor of marijuana, and the fact that Obregon was patrolling a high-crime area, support a conclusion that Obregon had reasonable suspicion to detain Prunty based on the belief that he unlawfully possessed marijuana. *See Illinois v. Wardlow*, 528 U.S. 119, 124-25 (2000); *United States v. Clay*, 161 F.4th 545, 557 (8th Cir. 2025); *United States v. Perdoma*, 621 F.3d 745, 749 (8th Cir. 2010).

The plaintiffs argue that because the State of Arkansas has legalized the use of marijuana for medical purposes, *see* Ark. Const. amend. 98, § 3, the detection of the odor of marijuana does not give rise to reasonable suspicion. While some marijuana use is legal in Arkansas, the authorization is limited to a “qualifying patient or designated caregiver in actual possession of a registry identification card.” Ark. Const. amend. 98, § 3(a), 3(b)(1). The circumstances known to Obregon did not establish that Prunty was an authorized medical marijuana user, and an officer need not rule out the possibility of lawful medicinal use to have a reasonable, articulable suspicion of illegal possession. Thus, despite the enactment of the amendment in 2016, the detection of the odor of marijuana gave rise at least to reasonable suspicion that Prunty was unlawfully possessing marijuana.

The plaintiffs argue that Obregon did not actually smell marijuana, and that he was lying when he said so. The plaintiffs attempt to undermine Obregon’s credibility, and they argue that he has a “history of lying and aggressive and inappropriate conduct towards citizens.” They also emphasize that Prunty did not have drugs or drug paraphernalia on his person, and that there was allegedly “considerable distance between the two, as depicted in the body camera footage.” The district court determined that the plaintiffs’ claim “that Obregon did not smell marijuana . . . is not enough to create an issue of fact because it is self serving and totally unsupported by anything else in the record.”

We see no error in the district court's conclusion. There was ample corroboration for Obregon's testimony. Officer Elliott testified that when he arrived at the scene, Prunty "reeked" of marijuana. Elliott testified that the medical staff in the ambulance commented that Prunty "reeks of it." An officer noted that when the coroner opened the body bag on February 10, the officer "noticed a strong odor of marijuana." Finally, a toxicology report revealed that Prunty's "specimens" tested positive for "Cannabinoids." That Prunty did not actually possess drugs or drug paraphernalia when seized does not mean that Obregon could not have detected the odor of marijuana. The body camera footage does not show that Obregon and Prunty were separated by such a distance that Obregon could not have smelled marijuana. The plaintiffs "may not stave off summary judgment armed with only the hope that the jury might disbelieve witnesses' testimony." *Thompson v. Hubbard*, 257 F.3d 896, 899 (8th Cir. 2001) (internal quotation omitted); *see Radio City Music Hall Corp. v. United States*, 135 F.2d 715, 718 (2d Cir. 1943) (L. Hand, J.).

Prunty's attempted flight independently gave rise to reasonable suspicion and probable cause to arrest. Under Arkansas law, "[i]f a person knows that his or her immediate arrest or detention is being attempted by a duly authorized law enforcement officer, it is the lawful duty of the person to refrain from fleeing, either on foot or by means of any vehicle or conveyance." Ark. Code Ann. § 5-54-125(a). Fleeing on foot is a misdemeanor. *Id.* § 5-54-125(c). When Prunty fled on foot, a reasonable officer could have believed that Prunty knew that his detention was being attempted by a duly authorized law enforcement officer, and the officer thus had probable cause to arrest Prunty for fleeing.

III.

The plaintiffs next argue that Obregon's use of force "was excessive and not objectively reasonable." They argue that Obregon used excessive force "in throwing Jayden to the ground" and in shooting him.

A claim of excessive force is “properly analyzed under the Fourth Amendment’s ‘objective reasonableness’ standard.” *Graham v. Connor*, 490 U.S. 386, 388 (1989). “In determining the reasonableness of the manner in which a seizure is effected, [w]e must balance the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.” *Scott v. Harris*, 550 U.S. 372, 383 (2007) (alteration in original) (internal quotation omitted). The analysis “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” *Graham*, 490 U.S. at 396. The inquiry into the reasonableness of police force requires analyzing the “totality of the circumstances,” *Barnes v. Felix*, 605 U.S. 73, 80 (2025) (internal quotation omitted), and it “must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving.” *Graham*, 490 U.S. at 396-97.

Obregon’s use of force was objectively reasonable. First, it was objectively reasonable for Obregon to push Prunty down. Prunty had ignored the officer’s commands to “come here,” and began to run away. Obregon reasonably could have interpreted Prunty’s attempt to flee as resistance, and it was permissible for him to respond with “an amount of force that was reasonable to effect the arrest.” *Carpenter v. Gage*, 686 F.3d 644, 650 (8th Cir. 2012). This court held in *Ehlers v. City of Rapid City*, 846 F.3d 1002 (8th Cir. 2017), that an officer did not violate the Fourth Amendment by executing a takedown of a nonviolent misdemeanor when the officer twice ordered the suspect to place his hands behind his back, but the suspect continued to walk away. *Id.* at 1011. And this court has upheld the use of force where a suspect is non-compliant and resists arrest or ignores commands from law enforcement. *See Jackson v. Stair*, 944 F.3d 704, 711 (8th Cir. 2019).

In this case, Prunty did not just ignore commands from Obregon to “come here.” Prunty walked away and then ran away from the officer. That Prunty was “actively resisting arrest or attempting to evade arrest by flight” supports a conclusion that Obregon’s push of Prunty to the ground was objectively reasonable. *Graham*, 490 U.S. at 396.

Second, it was objectively reasonable for Obregon to use deadly force after he was shot in the leg. “The use of deadly force is reasonable where an officer has probable cause to believe that a suspect poses a threat of serious physical harm to the officer or others.” *Loch v. City of Litchfield*, 689 F.3d 961, 965 (8th Cir. 2012); *see Tennessee v. Garner*, 471 U.S. 1, 11-12 (1985). The body camera footage shows that an officer reasonably could have believed that Prunty posed a threat of serious physical harm. Immediately after Prunty landed on the ground, he moved his left hand, and there was a “click” sound. Obregon testified that he believed that Prunty loaded a round into the chamber of a firearm. Prunty refused Obregon’s attempts to secure his hands. Obregon told Prunty to “quit reaching for whatever you are reaching for.” Obregon added, “I promise you if that’s a gun, it’s not going to end well for you.” Prunty responded, “I know. I know it’s not.” At that point, a reasonable officer could have believed that Prunty possessed a firearm, and that Prunty refused to let Obregon secure his hands because he intended to use the weapon.

After Obregon slid his left arm underneath Prunty to secure the firearm, he was shot in the leg and yelled, “Ow!” Obregon testified that he believed that Prunty pulled the trigger with his right hand. On appeal, the plaintiffs argue that Prunty did not shoot Obregon. They contend that “the gun went off accidentally or that Officer Obregon discharged the gun himself accidentally after taking control of it.”

We agree with the district court that even if Prunty’s firearm was discharged accidentally, Obregon’s use of deadly force was objectively reasonable. Before

Obregon was shot, Prunty had refused to let Obregon secure his hands, and a reasonable officer could believe that Prunty refused to do so because he intended to use the firearm. A reasonable officer could have believed that when Obregon was shot during the struggle, Prunty had pulled the trigger. After Obregon was shot, he had probable cause to believe that Prunty posed a significant threat of death or serious physical injury to him, and therefore Obregon's use of deadly force was objectively reasonable. *See Sinclair v. City of Des Moines*, 268 F.3d 594, 596 (8th Cir. 2001) (per curiam); *Fitzgerald v. Patrick*, 927 F.2d 1037, 1039 (8th Cir. 1991) (per curiam).

The judgment of the district court is affirmed.
