NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

ELDER *v.* HOLLOWAY ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 92–8579. Argued January 10, 1994—Decided February 23, 1994

Petitioner Elder was arrested without a warrant after respondents, Idaho police officers, surrounded his house and ordered him to come out. Alleging that the arrest violated his Fourth Amendment right to be secure against unreasonable seizure, Elder sued the officers for damages under 42 U. S. C. §1983. The officers raised the defense of qualified immunity, which shields public officials from actions for damages unless their conduct was unreasonable in light of clearly established law. The District Court found the law clear that, absent exigent circumstances, a warrant would have been required had the arrest occurred inside the house. The court found it unclear, however, whether a warrant was needed when officers surrounded a house and requested an individual to come out and surrender. Finding no controlling state or Ninth Circuit case law, the court granted summary judgment for respondents. On appeal, the Court of Appeals noticed Ninth Circuit precedent in point missed in the District Court. *United States* v. *Al-Azzawy,* 784 F. 2d 890, the Court of Appeals thought, might have alerted a reasonable officer to the constitutional implications of putting a suspect under arrest outside a surrounded house. The court held, however, that the *Al-Azzawy* decision could not be used to Elder's advantage. Although typing the qualified immunity inquiry a pure question of law, the court read this Court's decision in *Davis* v. *Scherer,* 468 U. S. 183, to require plaintiffs to present to the district court, as ``legal facts,'' the cases showing that the right asserted was clearly established. Just as appellants forfeit facts not presented to the court of first instance, the Court of Appeals reasoned, so, in the peculiar context of civil rights qualified immunity litigation, a plaintiff

may not benefit on appeal from a precedent neither he nor the district court itself mentioned in the first instance.

Held: Appellate review of qualified immunity dispositions must be conducted in light of all relevant precedents, not simply those cited to or discovered by the district court. The rule declared by the Court of Appeals in this case does not aid the qualified immunity doctrine's central objective—to protect public officials from undue interference with their duties and from potentially disabling threats of liability—because its operation is unpredictable in advance of the district court's adjudication. Nor does the rule further the interest in deterring public officials' unlawful actions and compensating victims of such conduct. Instead, it simply releases defendants because of shortages in counsels' or the court's legal research or briefing. The decision in *Davis* v. *Scherer, supra,* was misconstrued by the Court of Appeals. *Davis* did not concern what authorities a court may consider in determining qualified immunity. The Court held in *Davis* only this: to defeat qualified immunity, the federal right on which the claim for relief is based—rather than some other right—must be clearly established. Whether a federal right was clearly established at a particular time is a question of law, not ``legal facts,'' and must be resolved *de novo* on appeal. A court of appeals reviewing a qualified immunity judgment should therefore use its full knowledge of its own and other relevant precedents. It is left to the Court of Appeals to consider, in light of all relevant authority, including *Al-Azzawy,* whether respondents are entitled to prevail on their qualified immunity defense. Pp. 4–6.

975 F. 2d 1388, reversed and remanded.

GINSBURG, J., delivered the opinion for a unanimous Court.