

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Kimberley Diane Settle v. David Collier

Settle v. Collier · No. 24-12436 · Decided December 9, 2025

SUMMARY

The Eleventh Circuit reversed the denial of summary judgment in an excessive-force and Florida battery action arising from Deputy David Collier’s fatal shooting of Jacob Settle during an attempted arrest. The majority held that Collier reasonably perceived Settle’s truck as an immediate threat of serious physical harm when Settle started the truck and put it into gear, and therefore that Collier was entitled to qualified immunity. The court also held that Collier was entitled to Florida statutory immunity from the battery claim, while Judge Abudu dissented.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	William Pryor, Chief Judge; Branch, Circuit Judge; Abudu, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eleventh Circuit
DECIDED	December 9, 2025
DOCKET	24-12436
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the denial of the defendant police officer's motion for summary judgment based on qualified immunity and Florida state-agent immunity.
STANDARD OF REVIEW	The court reviewed the denial of qualified immunity de novo and reviewed the denial of summary judgment based on state-law immunity de novo, viewing the summary-judgment evidence in the light most favorable to the nonmovant.
PRECEDENTIAL VALUE	published precedential Eleventh Circuit opinion
PARTIES	David Collier v. Kimberley Diane Settle, personal representative for the Estate of Jacob Joseph Settle Sr.

TOPICS

- qualified immunity
- section 1983
- civil rights
- constitutional law
- standard of review

PRACTICE AREAS

constitutional law

civil rights

police use of deadly force

qualified immunity

state-law immunity

QUESTIONS PRESENTED

1. Whether Collier's use of deadly force violated the Fourth Amendment's prohibition against unreasonable seizures.
2. Whether Collier was entitled to qualified immunity from the estate's excessive-force claim.
3. Whether Collier was entitled to immunity under Florida's self-defense immunity statute from the estate's battery claim.

HOLDINGS

1. Collier did not use excessive force because, viewed from the perspective of a reasonable officer at the scene, he had probable cause to believe that Settle's truck presented an immediate threat of serious physical harm when Settle started the truck and placed it into gear in a confined area while resisting arrest.
2. Collier was not required to give a warning before firing because the encounter escalated within seconds and his proximity to the truck, limited visibility, and the perceived immediate danger made a warning infeasible.
3. Collier was entitled to qualified immunity because the estate failed to establish that he violated the Fourth Amendment.
4. Collier was entitled to immunity from the estate's Florida battery claim because his use of deadly force was justified under the Fourth Amendment standard and Florida's self-defense immunity statute is at least coextensive with that standard.

KEY QUOTATIONS

“Common sense would suggest that Settle’s next step would be to drive—not to remain stationary.” (at 10)

“We reject the estate’s attempt to create a categorical rule that officers cannot reasonably perceive that a vehicle has been converted into a deadly weapon either until the vehicle moves or unless the suspect’s behavior before the incident established that he was dangerous.” (at 11)

“The estate insists that Collier was unreasonable in firing because he “was not in the path of the truck” and was about eight feet away when he fired.” (at 12)

“A delay could have put his or Hart’s life in danger.” (at 16)

FACTUAL BACKGROUND

On November 14, 2020, Escambia County officers David Collier and Raymond Hart went to Jacob Settle's home to execute arrest warrants for Settle and Sophronia Whitehead. In a dark, confined backyard, Settle refused orders to exit his truck, started the engine, and placed the transmission into gear; Collier, who believed the truck posed an immediate threat to him and Hart, fired two shots through the driver's-side window, killing Settle. The

estate disputed whether the truck moved, whether Collier was in its path, and whether the circumstances justified deadly force.

PROCEDURAL HISTORY

The estate sued David Collier under 42 U.S.C. § 1983 for excessive force in violation of the Fourth Amendment and under Florida law for battery. The district court dismissed the claims against Officers Hart and the sheriff but denied Collier's motion for summary judgment, concluding that a reasonable jury could find that the truck did not pose an immediate threat and that Collier acted with wanton and willful disregard for Settle's safety. The Eleventh Circuit reversed and remanded with instructions to enter judgment for Collier.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand with instructions to enter summary judgment in favor of Collier.

CASES CITED

- Baxter v. Santiago-Miranda, 121 F.4th 873, 878, 888, 890-91 (11th Cir. 2024)
- Nelson v. Tompkins, 89 F.4th 1289, 1295 (11th Cir. 2024)
- English v. City of Gainesville, 75 F.4th 1151, 1155 (11th Cir. 2023)
- Ingram v. Kubik, 30 F.4th 1241, 1250 (11th Cir. 2022)
- Graham v. Connor, 490 U.S. 386, 388, 394, 396-97 (1989)
- McCullough v. Antolini, 559 F.3d 1201, 1206 (11th Cir. 2009)
- Tennessee v. Garner, 471 U.S. 1, 11-12 (1985)
- Long v. Slaton, 508 F.3d 576, 578-82 (11th Cir. 2007)
- Pace v. Capobianco, 283 F.3d 1275, 1277, 1281-82 (11th Cir. 2002)
- Morton v. Kirkwood, 707 F.3d 1276, 1279-82 (11th Cir. 2013)
- Tillis v. Brown, 12 F.4th 1291, 1295, 1299 (11th Cir. 2021)
- Barnes v. Felix, 145 S. Ct. 1353, 1358 (2025)
- Davis v. Waller, 44 F.4th 1305, 1315 (11th Cir. 2022)
- Vaughan v. Cox, 343 F.3d 1323, 1326-27, 1331 (11th Cir. 2003)
- Underwood v. City of Bessemer, 11 F.4th 1317, 1322, 1329-32 (11th Cir. 2021)
- Penley v. Eslinger, 605 F.3d 843, 855-56 (11th Cir. 2010)
- Christmas v. Harris County, 51 F.4th 1348, 1353 (11th Cir. 2022)
- Sconiers v. Lockhart, 946 F.3d 1256, 1262 (11th Cir. 2020)
- Marbury v. Warden, 936 F.3d 1227, 1232 (11th Cir. 2019)
- Terrell v. Secretary, Department of Veterans Affairs, 98 F.4th 1343, 1351 (11th Cir. 2024)

- James River Insurance Co. v. Ultratec Special Effects Inc., 22 F.4th 1246, 1251 (11th Cir. 2022)
- Koch v. Rugg, 221 F.3d 1283, 1294-95 (11th Cir. 2000)
- Singletary v. Vargas, 804 F.3d 1174, 1181-82 (11th Cir. 2015)
- Scott v. Harris, 550 U.S. 372, 383 (2007)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-court-of-appeals-for-the-eleventh-circuit-united-states-court-of-appeals-for-the-eleve/2025/kimberley-diane-settle-v-david-coller-9ip4kffp>