

## Syllabus

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**SUPREME COURT OF THE UNITED STATES**

## Syllabus

WALDEN *v.* FIORE ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

No. 12–574. Argued November 4, 2013—Decided February 25, 2014

Petitioner Walden, a Georgia police officer working as a deputized Drug Enforcement Administration agent at a Georgia airport, searched respondents and seized a large amount of cash. Respondents allege that after they returned to their Nevada residence, petitioner helped draft a false probable cause affidavit in support of the funds' forfeiture and forwarded it to a United States Attorney's Office in Georgia. In the end, no forfeiture complaint was filed, and respondents' funds were returned. Respondents filed a tort suit against petitioner in Federal District Court in Nevada. The District Court dismissed the suit, finding that the Georgia search and seizure did not establish a basis to exercise personal jurisdiction in Nevada. The Ninth Circuit reversed, holding that the District Court could properly exercise jurisdiction because petitioner had submitted the false probable cause affidavit with the knowledge that it would affect persons with significant Nevada connections.

*Held:* The District Court lacked personal jurisdiction over petitioner. Pp. 5–14.

(a) The Fourteenth Amendment's Due Process Clause constrains a State's authority to bind a nonresident defendant to a judgment of its courts, *World-Wide Volkswagen Corp. v. Woodson*, 444 U. S. 286, 291, and requires that the nonresident have "certain minimum contacts" with the forum State, *International Shoe Co. v. Washington*, 326 U. S. 310, 316. The inquiry into the "minimum contacts" necessary to create specific jurisdiction focuses "on the relationship among the defendant, the forum, and the litigation." *Keeton v. Hustler Magazine, Inc.*, 465 U. S. 770, 775. For a State to exercise jurisdiction consistent with due process, that relationship must arise out of contacts that the "defendant *himself*" creates with the forum, *Burger King*

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*Corp. v. Rudzewicz*, 471 U. S. 462, 475, and must be analyzed with regard to the defendant’s contacts with the forum itself, not with persons residing there, see, e.g., *International Shoe*, *supra*, at 319. The plaintiff cannot be the only link between the defendant and the forum. These same principles apply when intentional torts are involved. See *Calder v. Jones*, 465 U. S. 783, 788–789. Pp. 5–10.

(b) Petitioner lacks the “minimal contacts” with Nevada that are a prerequisite to the exercise of jurisdiction over him. No part of petitioner’s course of conduct occurred in Nevada, and he formed no jurisdictionally relevant contacts with that forum. The Ninth Circuit reached its contrary conclusion by improperly shifting the analytical focus from petitioner’s contacts with the forum to his contacts with respondents, obscuring the reality that none of petitioner’s challenged conduct had anything to do with Nevada itself. Respondents emphasize that they suffered the “injury” caused by the delayed return of their funds while residing in Nevada, but *Calder* made clear that mere injury to a forum resident is not a sufficient connection to the forum. The proper question is whether the defendant’s conduct connects him to the forum in a meaningful way: Here, respondents’ claimed injury does not evince such a connection. The injury occurred in Nevada simply because that is where respondents chose to be when they desired to use the seized funds. Other possible contacts noted by the Ninth Circuit—that respondents’ Nevada attorney contacted petitioner in Georgia, that cash seized in Georgia originated in Nevada, and that funds were returned to respondents in Nevada—are ultimately unavailing. Pp. 11–14.

688 F. 3d 558, reversed.

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

Opinion of the Court

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**SUPREME COURT OF THE UNITED STATES**

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No. 12–574

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ANTHONY WALDEN, PETITIONER *v.* GINA FIORE  
ET AL.

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

[February 25, 2014]

JUSTICE THOMAS delivered the opinion of the Court.

This case asks us to decide whether a court in Nevada may exercise personal jurisdiction over a defendant on the basis that he knew his allegedly tortious conduct in Georgia would delay the return of funds to plaintiffs with connections to Nevada. Because the defendant had no other contacts with Nevada, and because a plaintiff’s contacts with the forum State cannot be “decisive in determining whether the defendant’s due process rights are violated,” *Rush v. Savchuk*, 444 U. S. 320, 332 (1980), we hold that the court in Nevada may not exercise personal jurisdiction under these circumstances.

I

Petitioner Anthony Walden serves as a police officer for the city of Covington, Georgia. In August 2006, petitioner was working at the Atlanta Hartsfield-Jackson Airport as a deputized agent of the Drug Enforcement Administration (DEA). As part of a task force, petitioner conducted investigative stops and other law enforcement functions in support of the DEA’s airport drug interdiction program.

On August 8, 2006, Transportation Security Admin-

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istration agents searched respondents Gina Fiore and Keith Gipson and their carry-on bags at the San Juan airport in Puerto Rico. They found almost \$97,000 in cash. Fiore explained to DEA agents in San Juan that she and Gipson had been gambling at a casino known as the El San Juan, and that they had residences in both California and Nevada (though they provided only California identification). After respondents were cleared for departure, a law enforcement official at the San Juan airport notified petitioner's task force in Atlanta that respondents had boarded a plane for Atlanta, where they planned to catch a connecting flight to Las Vegas, Nevada.

When respondents arrived in Atlanta, petitioner and another DEA agent approached them at the departure gate for their flight to Las Vegas. In response to petitioner's questioning, Fiore explained that she and Gipson were professional gamblers. Respondents maintained that the cash they were carrying was their gambling "bank" and winnings. App. 15, 24. After using a drug-sniffing dog to perform a sniff test, petitioner seized the cash.<sup>1</sup> Petitioner advised respondents that their funds would be returned if they later proved a legitimate source for the cash. Respondents then boarded their plane.

After respondents departed, petitioner moved the cash to a secure location and the matter was forwarded to DEA headquarters. The next day, petitioner received a phone call from respondents' attorney in Nevada seeking return of the funds. On two occasions over the next month, petitioner also received documentation from the attorney regarding the legitimacy of the funds.

At some point after petitioner seized the cash, he helped draft an affidavit to show probable cause for forfeiture of

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<sup>1</sup> Respondents allege that the sniff test was "at best, inconclusive," and there is no indication in the pleadings that drugs or drug residue were ever found on or with the cash. App. 21.

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the funds and forwarded that affidavit to a United States Attorney's Office in Georgia.<sup>2</sup> According to respondents, the affidavit was false and misleading because petitioner misrepresented the encounter at the airport and omitted exculpatory information regarding the lack of drug evidence and the legitimate source of the funds. In the end, no forfeiture complaint was filed, and the DEA returned the funds to respondents in March 2007.

Respondents filed suit against petitioner in the United States District Court for the District of Nevada, seeking money damages under *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971). Respondents alleged that petitioner violated their Fourth Amendment rights by (1) seizing the cash without probable cause; (2) keeping the money after concluding it did not come from drug-related activity; (3) drafting and forwarding a probable cause affidavit to support a forfeiture action while knowing the affidavit contained false statements; (4) willfully seeking forfeiture while withholding exculpatory information; and (5) withholding that exculpatory information from the United States Attorney's Office.

The District Court granted petitioner's motion to dismiss. Relying on this Court's decision in *Calder v. Jones*, 465 U. S. 783 (1984), the court determined that petitioner's search of respondents and his seizure of the cash in Georgia did not establish a basis to exercise personal jurisdiction in Nevada. The court concluded that even if petitioner caused harm to respondents in Nevada while knowing they lived in Nevada, that fact alone did not confer jurisdiction. Because the court dismissed the complaint for lack of personal jurisdiction, it did not determine

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<sup>2</sup>The alleged affidavit is not in the record. Because this case comes to us at the motion-to-dismiss stage, we take respondents' factual allegations as true, including their allegations regarding the existence and content of the affidavit.

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