No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RODERICK DELON LEWIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This case involves police intrusion onto Petitioner's curtilage based on nothing more than a warrant for someone in the town of Dillon, South Carolina who had the same last name as Petitioner. The district and appellate courts sanctioned the seizure and search of Petitioner on his curtilage using a reasonable suspicion analysis and by greatly extending the holding of *Terry v. Ohio*, 392 U.S. 1 (1968).

Therefore, this petition asks the Court to consider two issues:

1- Whether an officer's intrusion into the front and back yards of the Petitioner's residence so obviously implicated the Fourth Amendment curtilage protections that the district and appellate courts erred in applying a reasonable suspicion, rather than probable cause, standard, particularly in light of this Court's recent opinion in *Collins v. Virginia*, 138 S. Ct. 1663 (2018), which reaffirmed this Court's long-line of jurisprudence about the Fourth Amendment; and,

2- Relatedly, whether the Fourth Circuit's holding that a *Terry* stop, resulting in seizure and search of Petitioner and his surroundings on his curtilage, when there was no probable cause, no officer safety concerns, and no exigent circumstances, was erroneous, particularly since the *Lewis* decision conflicts with at least three other circuits' holdings.

PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page.

LIST OF ALL DIRECTLY RELATED PROCEEDINGS

United States Court of Appeals for the Fourth Circuit, No. 18-4487, *United States v. Lewis* (Dec. 26, 2019 Judgment and Opinion of the Court)

United States District Court, South Carolina, No. 4:17-cr-887-RBH, *United States v. Lewis* (Feb. 12, 2018 Order)

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PETITION FOR A WRIT OF CERTIORARI

Petitioner, Roderick Delon Lewis, respectfully prays that a writ of certiorari issue to review the opinion and judgment of the United States Court of Appeals for the Fourth Circuit in Case No. 18-4487, entered on December 26, 2019.

OPINION BELOW

The Fourth Circuit panel issued its unpublished opinion on December 26, 2019, affirming the order and judgment of the United States District Court for the District of South Carolina. App. 1A-12A. This opinion is reported as *United States v. Lewis*, 797 Fed. App'x 744 (4th Cir. 2019). The order of the district court denying Lewis' motion to suppress evidence from the search was entered on February 12, 2018 and is attached hereto. App. 13A-21A; *United States v. Lewis*, No. 4:17-cr-887-RBH, 2019 WL 827286 (D.S.C. 2018).

JURISDICTION

The Fourth Circuit Court of Appeals issued its opinion and entered its judgment on December 26, 2019. App. 1A-12A. This Court has jurisdiction under 28 U.S.C. §1254(1).

CONSTITUTIONAL PROVISION INVOLVED

The Fourth Amendment to the United States Constitution provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S.C.A. Const. Amend. IV (West 2020).

STATEMENT OF THE CASE

Lewis was walking back from his mother's house to the home he shared with his family when the events giving rise to this conviction occurred. JA 65, JA 126-27.[1] The only reason Lewis was approached by police on this occasion is because the officer involved knew there was a warrant for someone who lived in the jurisdiction of Dillon, South Carolina, who had the same last name as Lewis. App. 14A, n.1. The warrant was not for the petitioner Lewis. App. 15A.

Officer Townsend of Dillon, South Carolina Police Department noticed Lewis walking down the street. App. 2A. Townsend was aware that there was an arrest warrant for someone with the last name "Lewis", so he followed Lewis to his home. App. 2A-3A. The district court's finding of fact was that Townsend knew nothing more than an outstanding warrant existed for a person whose last name was Lewis at the time Townsend followed Lewis and asked to speak to him. App. 13A-14A, n.1. When Townsend approached, Lewis was in his front yard, about to enter the door to his residence. App. 3A, 14A-15A. When Townsend told Lewis there might be a warrant for Lewis' arrest, Lewis ran to his back yard. The district court found that Townsend chased Lewis "through Lewis's yard, from one side of the house to the other." App. 15A. Townsend arrested Lewis as Lewis was trying to "jump a chain link fence" in Lewis' backyard. JA 37-38; App. 4A. When Townsend was handcuffing

[1] Citations to JA refer to the appellate record compiled in the joint appendix on file with the Fourth Circuit. *See United States v. Lewis*, No. 18-4487, *Joint Appendix* (ECF Nos. 15, 16) (4th Cir. filed Nov. 13, 2018).

Lewis, something black fell from Lewis. *Id*. After handcuffing Lewis, police discovered the black object was a gun. App. 4A.

In sum, Lewis was in his own yard when approached by Townsend. The single reason Townsend wanted to talk to Lewis was because an arrest warrant existed for someone in Dillon, South Carolina with the last name Lewis. App. 13A-14A, n.1. The warrant was not for Petitioner Lewis. Yet, when the officer told Lewis he might have a warrant, Lewis ran into his own back yard, and was pursued and arrested by police on his own curtilage. Police then searched Lewis' curtilage, including the object (a gun) that fell from Lewis when he was being pulled from his backyard fence.

Lewis was charged in an indictment of one count of violating 18 U.S.C. §922(g)(1) based on the gun that fell from his person when police were trying to handcuff him. Lewis filed a motion to suppress evidence based on Townsend's seizure and search. A suppression hearing was held on January 19, 2018. App. 13A.

The district court denied the motion, holding that the Fourth Amendment was not implicated in Townsend's initial encounter with Lewis. App. 16A-17A. The court held that, at most, Townsend's approach to talk to Lewis and obtain his identification was an attempted seizure. *Id*. The district court held: "Once Lewis fled from law enforcement, Sergeant Townsend had reasonable suspicion to detain Lewis under *Terry*."[2] App. 17A. The district court determined that Townsend's "mention of the word warrant" during the consensual encounter coupled with Lewis' flight into his

[2] *Terry v. Ohio*, 392 U.S. 1, 29 (1968).

backyard "created reasonable suspicion for Sergeant Townsend to pursue Lewis and detain him under *Terry*." App. 21A.

The appellate and district courts relied on *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) in support of their holdings. App. 11A-12A, 21A. *Wardlow*, however, involved very different circumstances where the police had reasonable suspicion to make a *Terry* stop in a public place known to be a high drug trafficking area. *Id.* at 121-22. Wardlow was seen carrying an opaque bag and fled when he saw police. *Id.* Once police cornered Wardlow, they conducted a protective pat down, during which the officers felt something hard, shaped like a gun, in the bag Wardlow was carrying. *Id.* at 122. Wardlow fleeing upon seeing police, construed as nervous, evasive behavior, combined with the high drug trafficking location, was sufficient for police to conduct a *Terry* stop. *Id.* at 124-25. Probable cause to arrest Wardlow occurred only after police found the gun during a lawful *Terry* pat down in a public place. *Id.* at 122.

Here, police initiated contact with Lewis when he was entering the door to his home. The entire interaction between Lewis and Townsend occurred on Lewis' curtilage. Both the court of appeals and district court upheld the seizure and search under *Terry*. App. 10A, 21A. Lewis was chased in his own yard, pulled off a fence in his backyard, handcuffed and arrested, based solely on reasonable suspicion, all before police discovered the gun. These circumstances are not analogous to those in *Wardlow*, 528 U.S. 119.

After the district court denied his suppression motion, Lewis entered a conditional plea, reserving the right to appeal the district court's refusal to suppress the evidence. On appeal, Lewis asserted that no one involved in the proceedings below analyzed his suppression issues under the correct standard, which should have been probable cause, not reasonable suspicion, as the seizure and subsequent search occurred on Lewis' curtilage. App. 6A-7A.

The Fourth Circuit affirmed the district court's order denying the motion to suppress. App. 1A-12A. In its unpublished opinion, the Fourth Circuit, under the plain error standard of review, held "there is no plain statement of law announcing that a defendant's yard or an area near the fence line of his home must be considered curtilage." App. 7A. Relying in part on *United States v. Dunn*, 480 U.S. 294, 301 (1987), the Fourth Circuit held that curtilage determinations are "heavily particularized" and that it had no "clear-cut rule for that portion of defendant's yard outside of its fence". App. 7A-8A. The Fourth Circuit determined it could not hold that the district court plainly erred when it failed to consider that the seizure of Lewis occurred on his curtilage. App. 8A.

The Fourth Circuit then held, consistent with the district court, that the initial encounter was consensual. App. 9A-10A. In analyzing the seizure of Lewis inside the fence line of his backyard, the Fourth Circuit held that the warrant for someone with the last name Lewis, that the officer said Lewis was a "neighborhood bully", and because Lewis ran when Townsend indicated he might have a warrant for Lewis established reasonable suspicion for an investigatory stop. App. 11A. The Fourth

Circuit supported its position with one of its previous cases where the suspects ran from consensual questioning in a public airport. App. 11A (citing *United States v. Haye*, 825 F.2d 32, 33 (4th Cir. 1987)). The Fourth Circuit made a tenuous connection between Lewis running away at the mention of a warrant and reasonable suspicion by concluding that Townsend "had reason to believe [the warrant] could bear some connection to Appellant." App. 11A. However, the facts, even as found by the district court and admitted by Townsend, prove that Townsend had no idea what Lewis in the entire town of Dillon was named on the outstanding warrant. App. 14A, n.1.

This Court should correct the error made by the Fourth Circuit, whose holding diverges from the constitutional holdings previously well-settled by this Court. Relatedly, *Furlow*'s holding that a *Terry* stop on Lewis' curtilage comports with the Fourth Amendment conflicts with at least three other circuits.

This petition follows.

REASONS FOR GRANTING THE PETITION

This Court should grant certiorari to ensure the decisions of the appellate courts comport with this Court's precedent and to provide guidance to the circuits, who are divided on this issue. Sup. Ct. Rule 10. The way in which the Fourth Circuit applied the constitutional principles of the Fourth Amendment to the seizure of Lewis in his own yard do not align with the precedent of this Court. Furthermore, the circuits diverge on the proper scope of a *Terry* stop, particularly involving curtilage.

I. The Fourth Circuit's holding that reasonable suspicion, rather than probable cause, supported a seizure and search of Lewis on his curtilage conflicts with the decisions of this Court.

"[W]hen it comes to the Fourth Amendment, the home is first among equals." *Florida v. Jardines*, 569 U.S. 1, 6 (2013); *see also Collins v. Virginia*, 138 S. Ct. 1663, 1670 (2018). "At the very core of the Fourth Amendment stands the right of a man to retreat into his home and there be free from unreasonable governmental intrusion." *Silverman v. United States*, 365 U.S. 505, 511 (1961) (citations omitted); *Collins*, 138 S. Ct. at 1670. "[S]earches and seizures inside a home without a warrant are presumptively unreasonable." *Payton v. New York*, 445 U.S. 573, 586 (1980). "The curtilage—that is, the 'area adjacent to the home and to which the activity of home life extends'—is considered part of a person's home and enjoys the same protection against unreasonable searches as the home itself." *United States v. Alexander*, 888 F.3d 628, 631 (2nd Cir. 2018) (quoting *Jardines*, 569 U.S. at 6). Therefore, "[w]hen a law enforcement officer physically intrudes on the curtilage to gather evidence, a search within the meaning of the Fourth Amendment has

occurred. . . . . Such conduct thus is presumptively unreasonable absent a warrant." *Collins*, 138 S. Ct. at 1670 (citing *Jardines*, 569 U.S. at 11).

Fourth Amendment protection extends to the curtilage because "an individual reasonably may expect that an area immediately adjacent to the home will remain private." *Oliver v. United States*, 466 U.S. 170, 180 (1984). Protecting curtilage is an ancient principle. "[T]he identity of home and what Blackstone called the 'curtilage or homestall,' for the 'house protects and privileges all its branches and appurtenants.'" *Jardines*, 569 U.S. at 6-7 (quoting 4 W. Blackstone, Commentaries on the Laws of England 223, 225 (1769)). "The protection afforded the curtilage is essentially a protection of families and personal privacy in an area intimately linked to the home, both physically and psychologically, where privacy expectations are most heightened." *California v. Ciraolo*, 476 U.S. 207, 212–13 (1986). "This right would be of little practical value if the State's agents could stand in a home's porch or side garden and trawl for evidence with impunity; the right to retreat would be significantly diminished if the police could enter a man's property to observe his repose from just outside the front window." *Jardines*, 569 U.S. at 6.

This Court recently had occasion to re-visit the principle of government searches on curtilage, reiterating the principles set forth in earlier cases. *Collins*, 138 S. Ct. at 1670 (quoting *Jardines*, 569 U.S. at 6; *Oliver*, 466 U.S. at 180; *Silverman*, 365 U.S. at 511). This Court considers curtilage, defined as "the area immediately surrounding and associated with the home – to be part of the home itself for Fourth Amendment purposes." *Id*. at 1670 (internal quotation marks and citations omitted).

This Court further indicated that "conception defining curtilage . . . is familiar enough that it is easily understood from our daily experience." *Id*. at 1671 (internal quotation marks omitted) (quoting *Jardines*, 569 U.S. at 7). Such easily understood examples of curtilage include "the front porch, side garden . . . [and] area outside the front window", as well as the partially enclosed portion of the driveway at issue in *Collins*. *Id*. (internal quotation marks omitted). This Court has also recognized that the close proximity of the claimed curtilage to the home, and enclosures, such as fences, are indicative of curtilage. *Dunn*, 480 U.S. at 300.

Contrary to the Fourth Circuit's position that Lewis did not establish that he was seized on his own curtilage because such a determination requires "fact-specific inquiries and are heavily particularized to an individual case" (App. 7A-8A), this Court's precedent indicates that curtilage is a very common sense principle. This Court has recognized that, in most cases, like here, curtilage is easily recognized and "for most homes, the boundaries of the curtilage will be clearly marked." *Oliver*, 466 U.S. at 182, n.12. A front porch "is a classic exemplar of an area adjacent to a home", leaving "no doubt" that police were on curtilage. *Jardines*, 569 U.S. at 7.

At oral argument, the Fourth Circuit focused on the lack of discussion about the curtilage at the district court's suppression hearing. Oral Argument at 1:30-5:40, *United States v. Lewis*, No. 18-4487 (4th Cir. Oct. 30, 2019), available at http://www.ca4.uscourts.gov/oral-argument/listen-to-oral-arguments. The Fourth Circuit's opinion rested on what it perceived to be the lack of a "heavily particularized" legal review of the location where the police encounter with Lewis

occurred. Instead, the Fourth Circuit should have followed this Court's guidance, that the concept of curtilage "is familiar enough that it is easily understood from our daily experience." *Collins*, 238 S. Ct. at 1671. The Fourth Circuit's reliance on *Dunn* for the proposition that curtilage determinations are very fact-specific does not help its position. App. 7A-8A. In *Dunn*, the issue was whether a barn that was approximately 50 yards *outside* of the fence surrounding the residence and 60 yards from the residence itself was part of the curtilage. *Dunn*, 480 U.S. at 302. The analysis in Dunn was quite fact-specific because the structure at issue was so far removed from the residence, and not, like in this case, abutting the residence so that it was "familiar enough that it is easily understood from our daily experience." *Collins*, 238 S. Ct. at 1671.

Here, the record established that Townsend, by his own admission, was in Lewis' front yard at the inception of the encounter. App. 3A. The Fourth Circuit's own findings confirm that Lewis was "nearing the front door" of the home Lewis shared with his girlfriend when Townsend first approached and asked to speak to Lewis. App. 3A; App. 14A; s*ee Collins*, 138 S. Ct. at 1670. After Townsend said he might have a warrant, the record shows Lewis remained in his own yard, retreating "from one side of the house around to the other side." App. 3A; App. 15A. Townsend chased Lewis through Lewis' yard, and caught up with and arrested Lewis at the chain link fence in the backyard of Lewis' house. App. 15A.

The officer, self-admittedly in Lewis' yard, made a "short" pursuit "from one side of the house around to the other side" before pulling Lewis off a chain link fence

that ran along the side of Lewis' house. JA 37, 59. Initially, the officer was in his car and Lewis was about to enter the side door of his house, with approximately 20 feet between them, demonstrating how small the yard is. JA 58-59, 62, 66. Less than ten feet separated them as they moved toward each other in the yard. JA 62. These are the same type of factors considered by this Court in *Collins,* 138 S. Ct. at 1670. Even under plain error review, the principles reiterated in *Collins* are long-standing, resulting in plain error, which affected Mr. Lewis substantial rights, i.e. resulted in an unreasonable seizure and search leading to his imprisonment for 30 months.

The sum basis for the Fourth Circuit affirming the district court's reasonable suspicion determination was that the officer had a misdemeanor assault warrant for someone in Dillon, South Carolina whose last name was Lewis, the officer characterized Lewis as a "neighborhood bully", and Petitioner retreated into his own yard when the officer said he might have a warrant. App. 11A-12A. This holding fails to account for the sanctity of curtilage. *Jardines*, 569 U.S. at 6. Therefore, this Court should grant certiorari to ensure conformity with its cases.

II. The Fourth Circuit's holding opens the door to intrusive searches in derogation of the Fourth Amendment's protection of the sanctity of the home for those in the Fourth Circuit, while the citizens of the Ninth, Tenth and Eleventh Circuits are not subject to the same loss of constitutional rights.

The district court and Fourth Circuit justified the search based on *Terry v. Ohio*, 392 U.S. 1, 29 (1968). App. 10A-12A. However, the holding in *Lewis* identified no specific and articulable facts that the officer believed Lewis was armed, or that the officer feared for his safety, the justifications for a *Terry* stop under the reasonable

suspicion analysis. *Id.*; *Terry*, 392 U.S. at 26-27 ("the neutralization of danger to the policeman in the investigative circumstance" justifies a brief search of a person officers reasonably believe endanger the officers' or others' safety). However, under the circumstances of *Terry*, "[t]he sole justification of the search in the present situation is the protection of the police officer and others nearby, and it must therefore be confined in scope to an intrusion reasonably designed to discover guns, knives, clubs, or other hidden instruments for the assault of the police officer." *Id.* at 29. *Terry*'s holding is limited to situations involving when a police officer suspects "criminal activity may be afoot and that the persons with whom he is dealing may be armed and presently dangerous" and the officer cannot otherwise dispel his suspicions. *Id.* at 30. *Terry* allows police, for their protection and the protection of those nearby, "to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him." *Id.* "So long as the officer is entitled to make a forcible stop, and has reason to believe that the suspect is armed and dangerous, he may conduct a weapons search limited in scope to this protective purpose." *Adams v. Williams*, 407 U.S. 143, 146 (1972) (citing *Terry*, 392 U.S. at 30). Not a single concern at issue in *Terry* was present in the encounter between Lewis and police.

Furthermore, the federal circuits disagree on whether *Terry* stops on curtilage are allowed. "[R]easonable suspicion is not probable cause, and it alone cannot excuse a warrantless arrest inside a private home or its curtilage." *United States v. Struckman*, 603 F.3d 731, 743 (9th Cir. 2010) "[I]t is difficult to conceive of a

warrantless *home* arrest that would not be unreasonable under the Fourth Amendment when the underlying offense is extremely minor." *Id*. at 745 (quoting *Welsh v. Wisconsin,* 466 U.S. 740, 753 (1984)) (emphasis added). The Ninth Circuit had previously "clearly held that an exigency related to a misdemeanor will seldom, if ever, justify a warrantless entry into the home." *Id*. (citation and internal quotation marks omitted).

Similar to the facts in *Struckman*, police entered Lewis' property to determine if Lewis was the subject of a misdemeanor assault warrant. JA 98; S.C. Code §16-3-600(E)(1). Nothing in the record indicates the officer was ever concerned for his safety or otherwise justified in conducting a pat down for weapons.

In the context of a 42 U.S.C. §1983 lawsuit, the Eleventh Circuit, in agreement with the Ninth Circuit, also recognized that "[t]he government may not enter a person's home to effect a warrantless arrest without probable cause and either consent or exigent circumstances." *Moore v. Pederson*, 806 F.3d 1036, 1039 (11th Cir. 2015). The Circuit held that an officer making a doorway arrest of a person, who had refused to provide identification upon request or tell police his name, was unconstitutional, as "the government may not conduct the equivalent of a *Terry* stop inside a person's home." *Id*. at 1039-40. *See also United States v. Reeves*, 524 F.3d 1161 (10th Cir. 2008) (The Tenth Circuit held that appellant's warrantless arrest violated *Payton*, 445 U.S. 573 because police did not have exigent circumstances and probable cause for the arrest in appellant's motel room).

The holding in *Lewis* is contrary to the positions of the Ninth, Tenth and Eleventh Circuits, but similar to that of the Seventh Circuit. In *United States v. Richmond*, 924 F.3d 404 (7th Cir. 2019), the court rejected the defendant's reliance on the positions of the Ninth, Tenth and Eleventh Circuits that *Terry* does not justify stops, seizures and searches of the home and curtilage. *Id*. at 412. The Seventh Circuit instead held that officers could conduct a *Terry* stop on curtilage and search for weapons when reasonable suspicion for their safety existed. *Id*. at 419.

Unlike *Lewis*, however, the *Richmond* decision limited its holding:

> This decision would differ if Richmond's gun was located behind the closed front door. A *Terry*-search like this must be limited to a weapon, in areas where a weapon may be concealed, and only when police have a reasonable and articulable suspicion that a suspect poses a danger from the presence of a weapon within a suspect's immediate access or control.

Id. Again, the circumstances of *Lewis* show no reasonable and articulable suspicion by Townsend that Lewis posed a threat to officer safety.

Additionally, the dissent in *Richmond* recognized the majority's holding was at odds with this Court's precedent. "Any kind of search of the home or curtilage on less than probable cause (supported by a warrant, normally), or without one of the recognized exceptions such as hot pursuit, is forbidden by binding Supreme Court precedent, notably *Jardines* and *Collins*." *Id*. at 425 (Wood, C.J., dissenting). Even when police initially have a license to be on the property, "it is immaterial that the officer might be lawfully present while conducting those unauthorized actions." *Id*. at 421 (Wood, C.J., dissenting) (citing *Jardines*, 569 U.S. at 10). The dissent further postulated that the *Richmond* majority "stretched *Terry* beyond anything the

Supreme Court has ever endorsed." *Id.* at 423 (Wood, C.J., dissenting). Therefore, even assuming the initial encounter between Lewis and Townsend was consensual, Townsend's license did not extend to arresting Lewis on his curtilage and searching the curtilage based on mere reasonable suspicion.

Even the government has recognized that a *Terry* stop and frisk must involve some kind of reasonable and articulable suspicion that criminal activity is afoot and that the person stopped poses a threat to police. *Richmond v. United States*, No. 19-6343, *Brief of Respondent* at 13 (S. Ct. filed Jan. 22, 2020). In the context of a warrantless search on curtilage, the government recently asserted to this Court that:

> In approving warrantless protective searches founded on reasonable suspicion, rather than on probable cause, this Court has emphasized that "[t]he purpose of [such] limited search[es] is not to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence." *Adams v. Williams*, 407 U.S. 143, 146 (1972).

Richmond v. United States, No. 19-6343, *Brief of Respondent* at 15. The government's response centered on the potential danger to the officer and concerns about a gun being within reach of the petitioner. *Id.* at 12-18. Even under the view recently articulated by the government, no such circumstances existed in Lewis' case.

In Lewis' case, nothing in the record supports that the objective of *Terry* – officer safety – was implicated. *Lewis* involves an intrusion upon his curtilage based on nothing more concrete than a warrant for a Lewis person within the jurisdiction of Dillon, South Carolina Police Department. Townsend never indicated he feared for his safety or suspected Lewis had a gun.

This case presents an excellent legal vehicle for deciding this critical issue. The legal issue presented here—whether police officers may seize a person in the curtilage of his home and conduct a search in the absence of a warrant, exigency or probable cause—was fully litigated in the district court and on appeal to the Fourth Circuit, which decided the issue on the merits. Moreover, this fully litigated suppression issue is case dispositive.

Therefore, this Court should grant review of the Fourth Circuit's decision in this case because it conflicts with prior opinions of this Court, and diverges from other circuit courts' opinions regarding *Terry* stops within the curtilage.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant certiorari to review the judgment of the Fourth Circuit in this case.

Respectfully submitted.

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