

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-157

EDWARD A. CANIGLIA, PETITIONER

v.

ROBERT F. STROM, ET AL.

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

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as amicus curiae supporting respondents and that the United States be allowed ten minutes of argument time. Respondents have agreed to cede ten minutes of argument time to the United States and accordingly consent to this motion.

This case presents the question of a government official's ability under the Fourth Amendment to address a serious impending safety threat through a warrantless seizure of a potentially mentally unstable person and an entry into his residence for the limited purpose of removing firearms. The United States is filing today a brief as amicus curiae supporting respondents.

The United States has a substantial interest in the resolution of the question presented. The respondent officials in this case are local police officers, but the question of a government official's authority to make a warrantless entry into a residence in a dangerous situation will affect federal officials as well. Federal officials make warrantless entries into residences in a variety of circumstances that pose a threat to health or safety. The federal government also prosecutes cases in which state or local officials undertaking such actions may have encountered evidence of a crime.

The United States has previously presented oral argument as amicus curiae in cases concerning the interpretation and application of the Fourth Amendment. See, e.g., Kansas v. Glover, 140 S. Ct. 1183 (2020); Birchfield v. North Dakota, 136 S. Ct. 2160 (2016); Kentucky v. King, 563 U.S. 452 (2011). And it is scheduled to do so again this Term in Lange v. California, No. 20-18 (oral argument scheduled Feb. 24, 2021). In light of the substantial federal interest in the question presented, the United

States' participation at oral argument would materially assist the Court in its consideration of this case.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Acting Solicitor General
Counsel of Record

FEBRUARY 2021