NO. _____

IN THE

Supreme Court of the United States

_____ TERM, 20__

WILLIAM MEYER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

In a "knock and talk" scenario, "even if an occupant chooses to open the door and speak with the officers, the occupant need not allow the officers to enter the premises and may refuse to answer any questions at any time." *Kentucky v. King*, 563 U.S. 452, 470 (2011).

The first question presented is:

Whether a homeowner's repeated denials of consent to search during a "knock and talk" establishes exigent circumstances, specifically that the destruction of evidence is imminent, to justify a warrantless entry and search of the home?

Assuming repeated denials of consent can constitute exigent circumstances, the second question presented is:

Whether officers impermissibly create exigent circumstances when their conduct during a "knock and talk" goes beyond what a private citizen would do, including by continually seeking consent to search when the homeowner has repeatedly denied consent and by stating that a search of the home is inevitable?

PARTIES TO THE PROCEEDINGS

The caption contains the names of all parties to the proceedings.

DIRECTLY RELATED PROCEEDINGS

This case arises from the following proceedings in the United States District Court for the Northern District of Iowa, and the United States Court of Appeals for the Eighth Circuit:

United States v. Meyer, 1:19-cr-00105-001 (N.D. Iowa) (criminal proceedings), judgment entered September 4, 2020.

United States v. Meyer, 20-2958 (8th Cir.) (direct criminal appeal), judgment entered December 2, 2021.

United States v. Meyer, 20-2958 (8th Cir.) (direct criminal appeal), Order denying petition for rehearing en banc and rehearing by the panel entered January 13, 2022.

There are no other proceedings in state or federal trial or appellate courts, or in this Court directly related to this case.

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PETITION FOR WRIT OF CERTIORARI

Petitioner William Meyer respectfully petitions for a writ of certiorari to review the judgment and opinion of the United States Court of Appeals for the Eighth Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Eighth Circuit is reported at 19 F.4th 1028 (8th Cir. 2021) and is reproduced in the appendix to this petition at Pet. App. p. 30. The district court's order denying the motion to suppress is available at 2020 WL 703694 and is reproduced at Pet. App. p. 1. The magistrate court's report and recommendation recommending the district court deny the motion to suppress is reproduced at Pet. Sealed Supp. App. p. 1.

JURISDICTION

The United States Court of Appeals for the Eighth Circuit entered judgment on December 2, 2021, Pet. App. p. 39, and denied Mr. Meyer's petition for rehearing en banc on January 13, 2022. Pet. App. p. 41. This Court has jurisdiction under 28 U.S.C. § 1254(1).

RELEVANT CONSTITUTIONAL PROVISION

The Fourth Amendment provides in relevant part: "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."

STATEMENT OF THE CASE

A. Introduction

Federal agents believed Mr. Meyer was involved in the live streaming of child sex abuse. Instead of obtaining a search warrant for Mr. Meyer's residence, federal agents conducted a "knock and talk" at Mr. Meyer's home. The agents hoped Mr. Meyer would consent to a search of his home, as well as a seizure of his electronic devices.

The agents' hopes were misplaced. Instead of consenting to a search, Mr. Meyer stood on his constitutional rights and refused.

In response to Mr. Meyer's refusal, agents told Mr. Meyer they feared he would destroy his devices—specifically "smash it with a hammer and then light it on fire." Mr. Meyer again refused consent. The agents then told Mr. Meyer they could "probably" obtain a search warrant regardless, and would do so. After over ten minutes of continued pressure, including the agents telling Mr. Meyer that destruction of evidence was a federal crime and that the agents would be fired if Mr. Meyer did not consent to a search, Mr. Meyer eventually went back inside of his home.

During this encounter, Mr. Meyer did not make any statements regarding the destruction of evidence, and the agents did not testify that they heard or saw anything to indicate Mr. Meyer was destroying potential evidence. Still, the agents entered Mr. Meyer's home, without a warrant, and searched for and seized several electronic devices, claiming exigent circumstances were present because the destruction of evidence was imminent.

The Eighth Circuit deemed that these circumstances established exigent circumstances, finding Mr. Meyer's "suspicious" repeated refusals provided exigent circumstances. Further, the court found that the agents did not impermissibly create any exigency because the agents did not explicitly threaten to violate Mr. Meyer's constitutional rights.

This Court should grant certiorari for two reasons.

First, the Eighth Circuit's decision allows courts to treat refusals of consent as establishing exigent circumstances, in direct conflict with this Court's precedent and the decisions of other federal and state courts.

Under Supreme Court precedent, officers can approach a residence and ask a homeowner for consent to search their home. Under this same precedent, the homeowner has the right to refuse consent and stand on their constitutional rights. Further, a refusal cannot be used as justification for a warrantless search.

Yet here, the Eighth Circuit chipped away at these fundamental principles. The court below determined that because it deemed the refusals "suspicious," exigent circumstances were established. Further, the court held that refusals alone establish that the destruction of evidence is imminent and a warrantless search of the home is justified.

This decision expands the exigent circumstances exception in a manner that will swallow up the warrant requirement. The decision allows an officer to continually press for consent—even after a homeowner repeatedly refuses—and if the

reasons for refusal are deemed suspect, exigency is established. Left as is, the Eighth Circuit's decision will eradicate the principles from *Kentucky v. King*, 563 U.S. 452 (2011), and *Florida v. Jardines*, 569 U.S. 1, 6 (2013).

Second, courts are split on whether an explicit threat to violate an individual's constitutional rights is necessary to find officers impermissibly created exigent circumstances.

Some courts, as the Eighth Circuit did below, treat *Kentucky v. King* as establishing a categorical rule. In these courts, unless an officer explicitly threatens to violate an individual's constitutional rights, the officer conduct does not impermissibly create exigent circumstances. Other courts view the question more broadly, analyzing the objective reasonableness of the officer's conduct. Generally, this is done by determining whether the officers have exceeded the scope of a consensual "knock and talk," consistent with the implied license principles from *Jardines*. This Court should grant the petition for certiorari to address this split.

B. Factual Background

On July 3, 2019, federal agents searched Mr. Meyer's home without a warrant and seized several electronic devices. The agents then later obtained a warrant to search the previously seized devices. Based on this evidence found on the devices, Mr. Meyer was charged with sexual exploitation of children, in violation of 18 U.S.C. §§ 2251(a) & (e). Pet. App. p. 22.

C. Proceedings at District Court

Mr. Meyer filed a motion to suppress the evidence, asserting the warrantless search and seizure violated his Fourth Amendment rights. R. Doc. 25.[1] A hearing was held on the motion, and the evidence established is detailed below.

Federal agents received information that Mr. Meyer was involved with individuals who engaged in the live streaming of child sex abuse in the Philippines. Supp. Tr. pp. 17-19. Mr. Meyer's most recent known involvement was in 2017. *Id.* at p. 15.

On July 3, 2019, Special Agent Casey Maxted and Special Agent Michael McVey went to Mr. Meyer's home for a "knock and talk" interview. Def. Ex. A 3:15. Mr. Meyer went outside to speak with the agents in their car. Mr. Meyer generally discussed his humanitarian activities in the Philippines through his church. *See gen.* Def. Ex. A. He acknowledged sending "considerable funds" to the Philippines as part of his outreach. Def. Ex. A 7:20.

Mr. Meyer acknowledged he knew the family in the Philippines who the agents believed to be involved in the live streaming of child sex abuse. Def. Ex. A 13:25. Mr. Meyer said that he stayed in the family's home when he went to the Philippines and communicated with the family online. *Id.* at 13:25, 14:45. Mr. Meyer generally denied knowledge of or participation in the live streaming of child sex abuse.

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[1] In this petition, "R. Doc." refers to the criminal docket in Northern District of Iowa Case No. 1:19-cr-00105-001, and is followed by the docket entry number. "Supp. Tr." refers to the suppression transcript in Northern District of Iowa Case No. 1:19-cr-00105-001. Def. Ex. A is the recording of the interrogation that was admitted as an exhibit at the suppression hearing.

Eventually, SA Maxted's questioning became more pointed. SA Maxted told Mr. Meyer the money transactions showed he had sent money to individuals involved in the live streaming of child sex abuse both in the United States and overseas. *Id.* at 21:30.

At the conclusion of the interrogation, SA Maxted requested consent to search for and seize Mr. Meyer's electronic devices to "put things to rest." *Id.* at 28:30. Mr. Meyer asked for clarification on what that meant. *Id.* SA Maxted stated that they wanted to take Meyer's devices and process them. *Id.* at 29:00. Mr. Meyer noted that he used his computer "all the time" and he did not want to just give it up. *Id.* SA Maxted stated he was not comfortable with the situation because of how the conversation went. *Id.* at 29:45. Mr. Meyer asked if they could set up a time for him to bring his devices in. *Id.*

SA Maxted then said that any person he gave the opportunity to "schedule a time" would go in and wipe all their devices clean – specifically "smash it with a hammer and then light it on fire." Def. Ex. A 30:00. SA Maxted stated this was a situation where he would "take the computer today" to search it, but would return it as soon as possible. *Id.* SA Maxted also told Mr. Meyer that he wanted to be able to sleep that night. *Id.* Mr. Meyer continued to decline consent because he needed his devices. *Id.* at 31:55.

SA Maxted told Mr. Meyer that he "probably" had enough for a search warrant. *Id.* at 31:35. SA Maxted stated he did not want to go that route, but he would do so

if Mr. Meyer declined consent. *Id.* SA Maxed again repeated that he was not comfortable with the answers Mr. Meyer provided. *Id.* at 32:00.

SA McVey offered to go in to check email with Mr. Meyer. *Id.* at 32:45. Mr. Meyer asked for a few minutes to clean up his house. *Id.* at 33:00. The agents stated they would walk in with Mr. Meyer. *Id.* SA Maxted again repeated that if he suspects something is going on that he cannot just go in and let people destroy potential evidence. *Id.* at 33:15.

Mr. Meyer expressed concern about being able to look at files to make sure they are not lost. Def. Ex. A 34:15. Mr. Meyer then stated he did not want the officers to come in at this time. *Id.* SA Maxted responded with "I get the feeling you don't want me seeing what's on your computer." *Id.* at 35:00. SA Maxted again repeated that if he let Mr. Meyer go inside alone, Mr. Meyer could "get rid of stuff." *Id.* SA Maxted stated that in other situations that is what has happened. *Id.*

SA McVey told Mr. Meyer that if he destroyed evidence or files, that it was a federal crime. *Id.* at 35:45. SA McVey said files are never truly deleted. *Id.* Mr. Meyer stated he felt like the agents were "on a hunt" and that he "wasn't getting a good feeling." *Id.* at 37:00. Mr. Meyer then stated he was going inside his house. *Id.* at 38:00. Mr. Meyer stated the agents were not accepting the answers he was giving them. *Id.* at 38:30. SA Maxted responded by telling Mr. Meyer that if went back to the station and told his boss that he did not search Mr. Meyer's devices, he would be

fired. *Id.* Mr. Meyer responded with "I'm sorry." *Id.* at 39:00. SA Maxted told Mr. Meyer "If you're innocent then there's no reason to not do this with me." *Id.*

Mr. Meyer indicated he did not trust the reasons law enforcement wanted to seize his electronic devices. Def. Ex. A 41:00. Mr. Meyer stated that if the officers got a search warrant, like they stated they would, it would have to be specific and the officers could only search for specific things. *Id.* at 41:30. Mr. Meyer again offered to provide the computer to the agents at a specific time. *Id.* at 42:00. SA Maxted responded with "I'm not going to tell you when I want it, I am going to show up... and we will go from there." *Id.*

The agents ended the interview. Supp. Tr. p. 24. SA Maxted then contacted the U.S. Attorney's Office. *Id.* After talking with the prosecutor, the agents knocked on Mr. Meyer's door, and told him due to the exigent circumstances they would be searching his home for electronic devices. *Id.* at 53. The agents then entered Mr. Meyer's home, searched for, and seized his computer and other electronic devices. *Id.* at 30.

Later that same day, SA Maxted obtained a search warrant for the devices seized. R. Doc. 26: Def. Ex. D. The search of these devices revealed child pornography. R. Doc. 26: Def. Ex. F. Law enforcement obtained a second search warrant on September 9, 2019, to search Mr. Meyer's home for additional electronic devices. *Id.* The second search warrant affidavit included the findings from the earlier search of Mr. Meyer's electronic devices. *Id.*

After the hearing, the magistrate court issued a report and recommendation that the motion to suppress be denied. Pet. Sealed Supp. App. p. 1. The court found that exigent circumstances were present to justify the warrantless search, stating:

> As SA Maxted put it during his interview with Defendant, having been alerted to the investigation anyone possessing images of child pornography is going to go back inside "wipe the [the device] clean, smash it with a hammer, and light it on fire." (Ex. A at 30:40.) Here, I find there was an imminent threat of destruction of evidence. Defendant was perfectly within his rights to decline the search. In fact, Defendant declined the search and sought a delay to permit an inspection of his devices at a later time. Although Defendant had been warned not to destroy evidence, it was reasonable to believe he would take some action to remove evidence or contraband from the devices or make such items impossible to recover.

Id. at pp. 15-16. The magistrate court determined the agents' actions did not create these exigent circumstances. *Id.* at pp. 17-18.

The parties filed objections to the report and recommendation. R. Doc. 43, 44. The district court adopted the report and recommendation and denied the motion to suppress. Pet. App. p. 1. The court found that exigent circumstances existed based upon the possible destruction of evidence. *Id.* at pp. 15-16. Further, the court held that the agents did not create the exigency through their actions. *Id.* at pp. 16-17. The court stated:

> Defendant's continued requests to turn over his electronic devices later or to at least have time alone with them before the search gave the officers a reasonable basis to conclude that defendant would destroy evidence on those devices if given the opportunity. Thus, the officers seized defendant's devices and waited for a warrant to search them. The Court finds that although this tactic created the possibility of a scenario where defendant would be prompted to destroy evidence, such a scenario was not the probable result.

Id. at 18.

Mr. Meyer entered a conditional guilty plea, preserving the right to challenge motion to suppress. R. Doc. 41. He was ultimately sentenced to the statutory maximum of 360 months of imprisonment. R. Doc. 61.

D. Proceedings on Appeal

Mr. Meyer appealed, maintaining his challenge to the denial of the motion to suppress. The Eighth Circuit Court of Appeals affirmed the denial of the motion to suppress. *United States v. Meyer*, 19 F.4th 1028 (8th Cir. 2021). As relevant to this petition, the court found exigent circumstances existed to justify the warrantless search of Mr. Meyer's home, and that law enforcement officers did not impermissibly create the exigency.

First, the Eighth Circuit found exigency was established through Mr. Meyer's "suspicious" denials of consent to search. *Id.* at 1032-33. Specifically, the court found Mr. Meyer's refusals were suspicious because: 1) Mr. Meyer expressed concern about not having access to his computer, because he used his computer all the time, 2) Mr. Meyer offered to grant consent if he could check his email first, 3) Mr. Meyer expressed reluctance at having strangers in his residence due to the cleanliness state of his home, and 4) Mr. Meyer retreated back inside his home when the agents called the U.S. Attorney's Office. *Id.* The court determined this behavior established the destruction of evidence was imminent, and exigent circumstances were present. *Id.*

Next, the Eighth Circuit held that the agents did not create the exigency. *Id.* at 1033-34. The court acknowledged that the agents told Mr. Meyer that they could not let him go back into his residence if they thought he would destroy evidence, and that the agents said they would come search for and seize any devices when they wanted. *Id.* However, the court determined exigent circumstances were already present before these statements were made, based upon Mr. Meyer's refusal to grant consent. *Id.*

Finally, the Eighth Circuit determined that the agents' conduct did not rise to the level of threats to violate Mr. Meyer's constitutional rights. *Id.* According to the court, only explicit threats can improperly create exigent circumstances:

> [T]he agents did not have to "act" like "members of the general public" when they spoke to [Mr. Meyer]. Just because asking tough questions and closely scrutinizing the answers could lead a suspect to destroy evidence does not mean that someone else created the exigency. . . . Rather, the agents in this case would have needed to do something more: "engag[e] or threaten[] to engage in conduct that violate[d] the Fourth Amendment." *King*, 563 U.S. at 462.

Id.

REASONS FOR GRANTING THE WRIT

I. THE EIGHTH CIRCUIT'S HOLDING THAT REFUSAL TO CONSENT TO A SEARCH ESTABLISHES EXIGENT CIRCUMSTANCES IS INCONSISTENT WITH DECISIONS OF THIS COURT, AS WELL AS THE DECISIONS OF OTHER FEDERAL AND STATE COURTS.

At the Fourth Amendment's "very core stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion." *Silverman v. United States*, 365 U.S. 505, 511 (1961). Consistent with this

fundamental principle, in a "knock and talk" encounter between a homeowner and officers, "even if a [homeowner] chooses to open the door and speak with the officers, the [homeowner] need not allow the officers to enter the premises and may refuse to answer any questions at any time." *Kentucky v. King*, 563 U.S. 452, 470 (2011). After all, the right to retreat "would be of little practical value" if officers could view the refusal of consent to search as establishing that the destruction of evidence is imminent. *See Florida v. Jardines*, 569 U.S. 1, 6 (2013).

Based upon this precedent, courts have long held that a homeowner's refusal of consent to search does not establish exigent circumstances to justify a warrantless search. *See, e.g., Morse v. Cloutier,* 869 F.3d 16, 25-26 (1st Cir. 2017) ("That a suspect will not agree to step outside his home in response to an officer's request does not, without more, constitute exigent circumstances sufficient to authorize a warrantless entry into the home."); *State v. Aguilar*, 267 P.3d 1193, 1196-97 (Ariz. Ct. App. 2011) (finding exigency was not established because resident "peaked" through a window, saw law enforcement at the door, and refused to open the door). As necessary to uphold these principles, courts have also reasoned that "as a general matter, once a resident refuses a consent to search, officers must leave the property shortly thereafter." *United States v. Andino*, 768 F.3d 94, 101 n.7 (2d Cir. 2014) (citing *Jardines*, 569 U.S. at 6).

The Eighth Circuit's decision is a sharp deviation from this case law. It renders the right to refuse consent and retreat into one's home meaningless, as this refusal

alone can establish exigent circumstances. The decision encourages officers to keep pressing when a homeowner refuses consent, and then if the officers can characterize the homeowner's basis for refusal somehow "suspect," a warrantless search is allowed. It is unclear when a denial would be "unsuspicious" so as to not trigger a finding of exigent circumstances.

Regardless, a homeowner should not have to provide a basis for refusal that is satisfactory to law enforcement for that refusal to be respected. The agents "utilized tactics that, if allowed to go unchecked, would eliminate the Fourth Amendment warrant requirement for a home," and Eighth Circuit has sanctioned these tactics. *United States v. Ellis*, 499 F.3d 686, 691 (7th Cir. 2007). This Court should grant the petition for writ of certiorari to rectify the Eighth Circuit's error.

II. COURTS ARE DIVIDED ON WHETHER THE POLICE-CREATED EXIGENCY DOCTRINE IS LIMITED TO CIRCUMSTANCES WHERE OFFICERS EXPLICITLY THREATEN TO VIOLATE AN INDIVIDUAL'S CONSTITUTIONAL RIGHTS.

Under the "police-created exigency doctrine," police may not rely on the need to prevent destruction of evidence to justify warrantless entry when that exigency was created or manufactured by the conduct of the police. *Kentucky v. King*, 563 U.S. 452 (2011). *King* stated, in part, that an officer cannot "create the exigency by engaging or threatening to engage in conduct that violates the Fourth Amendment . . . ." *Id.* at 462. In Mr. Meyer's case, the Eighth Circuit read this language to require that an officer explicitly state that they will violate an individual's constitutional rights for the police created exception to apply.

A split exists on how narrowly to interpret the police-created exigency doctrine. Some courts, like the Eighth Circuit, have read *King* to establish a categorical rule that requires an explicit threat to violate an individual's constitutional rights. *See United States v. Cruz*, 977 F.3d 998, 1008-09 (10th Cir. 2020); *Hanifan v. State*, 177 So. 3d 277 (Fla. Dist. Ct. App. 2015); *State v. Rojas*, 227 N.C. App. 651, 745 S.E.2d 374, (N.C. Ct. App. 2013) (finding officers did not create the exigent circumstances when they attempted an initial knock and talk, and the defendant closed the door on officers, then officers attempted a second knock and talk, telling the defendant he needed to talk to them, and the defendant again shut the door on the officers).

Other courts have disagreed with this narrow reading. Instead, these courts acknowledge that the hallmark of the Fourth Amendment is "reasonableness," and officer conduct that goes beyond the standard "knock and talk" can impermissibly create exigent circumstances.

For example, in *United States v. Lundin*, 817 F.3d 1151, 1159 (9th Cir. 2016), the Ninth Circuit held that when officers go beyond what would be allowed by a private citizen, they impermissibly create exigent circumstances. In *Lundin* the officers knocked on the defendant's home at 4:00 a.m., which was not during customary visiting hours for the general public. *Id.* The 4:00 a.m. knock caused the defendant to knock something over in his home, which the officers relied upon to justify their warrantless entry. *Id.* The court held law enforcement created the exigency because "officers exceeded the scope of the customary license to approach a

home and knock" by showing up at 4:00 a.m. *Id.; see also State v. Butler*, No. A19-1552, 2020 WL 5888025, at *6 (Minn. Ct. App. Oct. 5, 2020) (finding officers created the exigency because they did "more than a private citizen would do" by approaching the home at night with guns drawn, carrying a battering ram, and shining lights around the property); *Holt v. Commonwealth*, No. 2015-CA-000985-MR, 2017 WL 65599 (Ky. Ct. App. 2017) (finding officers created the exigency by going beyond what a private citizen would do, by knocking on the defendant's window in the middle of the night).

The Supreme Court of Kansas has also rejected the Eighth Circuit's narrow reading. *State v. Campbell*, 300 P.3d 72 (Kan. 2013). Instead, similar to the Ninth Circuit, the Kansas Supreme Court determined an officer created exigent circumstances by doing more than "any private citizen might do," specifically by concealing his identity and covering the peephole of a front door. *Id.* at 78-79. Because the officer "exceeded the scope of a knock and talk, he engaged in conduct that violated the Fourth Amendment and [could not] rely on the exigency exception to justify his warrantless entry." *Id.*

This Court should reject the Eighth Circuit's adoption of a categorical rule, and instead hold that *Kentucky v. King* does not limit the "police-created exigency doctrine" to circumstances where officers explicitly state they will violate an individual's Fourth Amendment rights. In *King*, the Court held that a simple "knock and talk" by itself does not create exigent circumstances because "[w]hen law

enforcement officers who are not armed with a warrant knock on a door, they do no more than any private citizen might do. . ." *Id.* at 469. This language indicates that when officers do more than a private citizen would do, police created exigency is established. LaFave has expanded upon this principle:

> Given the emphasis in *King* on occupants' entitlement "to stand on their constitutional rights," one would think that even implied threats would suffice. This would likely include such scenarios as where the police, after banging on the door and announcing "This is the police" added "we know you've got drugs in there" or "we want to search your apartment." Indeed, even persistent banging and announcing "This is the police," if carried on long enough, might well be enough; in such a case, it seems inapt to say (as the conduct in King was characterized by the Court) that the police did "no more than any private citizen might do."

Wayne R. LaFave, Search and Seizure: A Treatise on the Fourth Amendment § 6.5(b) Exigent circumstances: destruction or removal of evidence (6th ed. 2020). This is consistent with *King's* acknowledgement that "[t]here is a strong argument to be made that, at least in most circumstances, the exigent circumstances rule should not apply where the police, without a warrant or any legally sound basis for a warrantless entry, threaten that they will enter without permission unless admitted." 563 U.S. at 462 n.4. The agents here threatened to enter Mr. Meyer's home no matter what. Def. Ex. A 42:00. Mr. Meyer was told a search was inevitable. Yet under the Eighth Circuit's categorical rule, this alone is insufficient to establish police-created exigency.

Finally, this Court is generally hesitant to adopt categorical rules like that adopted by the Eighth Circuit. Most recently, this Court refused to hold that the hot

pursuit of an individual believed to have committed a misdemeanor *never* justified warrantless entry of a home. *Lange v. California*, 141 S. Ct. 2011 (2021). Instead, the Court adopted a case by case approach, with the overarching focus being on the objective reasonableness of the officer's conduct. *Id.* That is all Mr. Meyer asks the Court to do here—evaluate the agents' conduct during the knock and talk for objective reasonableness.

III. THIS CASE IS AN IDEAL VEHICLE TO DECIDE THESE ISSUES.

Mr. Meyer preserved these questions before the district court and on appeal. Moreover, Mr. Meyer's case is not cluttered with factual disputes. The "knock and talk" was recorded, providing a clean record for this Court to decide the legal issues presented. Finally, Mr. Meyer's case is unencumbered by procedural anomalies.

CONCLUSION

Mr. Meyer respectfully requests that the Petition for Writ of Certiorari be granted.

RESPECTFULLY SUBMITTED,

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