No. _____

In the
Supreme Court of the United States

Xzavione Taylor,

Petitioner,

v.

United States of America,

Respondent.

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

Petition for Writ of Certiorari

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Question Presented for Review

Like other temporary detentions of private individuals, "the tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's 'mission.'" *Rodriguez v. United States*, 575 U.S. 348, 354 (2015). Police tasks that lack a "close connection to roadway safety" detour from the seizure's mission, as "do safety precautions taken to facilitate such detours." *Id.* at 356. When measurably lengthening the detention, such off-mission tasks violate the Fourth Amendment, unless independently supported by reasonable suspicion. *Id.* at 356–58.

The question presented is whether a police officer detours from the lawful mission of a traffic stop by ordering that the driver of a car exit the vehicle for the sole purpose of facilitating a separate, unsupported investigation into criminal activity.

Related Proceedings

The United States District Court for the District of Nevada entered an order denying Petitioner Xzavione Taylor's motion to suppress evidence on February 19, 2021. App. C. Taylor appealed to the Ninth Circuit, challenging the denial. The Ninth Circuit affirmed in a published decision on March 1, 2023, and denied rehearing on July 7, 2023. App. A, B.

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Petition for Writ of Certiorari

Petitioner Xzavione Taylor respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit.

Opinions Below

The opinion of the Ninth Circuit is published and reported in the Federal Reporter at *United States v. Taylor*, 60 F.4th 1233 (9th Cir. 2023). The decision of the Ninth Circuit denying rehearing and the order of the district court are not published or reprinted in the Federal Reporter. App. A, C.

Jurisdiction

The Ninth Circuit entered final judgment denying rehearing on July 7, 2023. App. A. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1). This petition is timely. Sup. Ct. R. 13.1.

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. . . ." U.S. Const. amend. IV.

Introduction

This case concerns the most common cause for contact with the police in America—the traffic stop. Like other temporary detentions of private individuals, "the tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's 'mission.'" *Rodriguez v. United States*, 575 U.S. 348, 354 (2015). Police actions lengthening detention and undertaken for a purpose other than to either "address the traffic violation that warranted the stop" or "attend to related safety concerns" are off-mission—and thus constitutionally intolerable—unless supported by independent lawful justification. *Id.* at 354–55. Accordingly, numerous federal and state courts across the country recognize that the objective purpose underlying officer action matters. Even if "no more intrusive" than an on-mission task, an off-mission imposition on a driver "[can]not be justified on the same basis." *Id.* at 357.

The Ninth Circuit, however, has selectively rejected this mandate. In a published opinion, the nation's largest and most populous circuit held an officer may *always* remove a driver from his vehicle during a traffic stop, even if the removal exclusively furthered an off-mission investigation (or amounted to a safety precaution facilitating the same). The Ninth Circuit's decision breaks from this Court's authority and creates an unwarranted split, standing in direct conflict with the reasoned decisions of the Sixth and Eleventh Circuits.

This Court should grant certiorari to resolve the conflict and bring the Ninth Circuit in line with the Constitution's command.

Statement of the Case

While driving, Petitioner Xzavione Taylor was pulled over for missing license plates and registration. Two officers approached Taylor's car, who remained calm and cooperative, exhibiting "textbook" compliant behavior throughout the stop. Dist. Ct. Dkt. 42, p.42.

One officer stepped up to the driver's side window, asking Taylor whether he had any weapons or drugs. App. B, p. 7a. Taylor said no, and nothing about his response seemed problematic to the officer. Dist. Ct. Dkt. 42, p. 23. He asked whether Taylor had ever been arrested. App. B, p. 7a. Taylor said he was on supervision for a previous felon-in-possession of a firearm conviction. App. B, p. 7a.

Hearing this answer, "everything changed" for the officer. App. B, p. 8a. He shifted his focus from the observed traffic violations to investigating whether Taylor currently had a gun. App. B, p. 8a. He wrote down Taylor's identifying information (Taylor had misplaced his identification), asked again whether Taylor had any weapons, and further asked if Taylor was in violation of any of his supervision conditions. App. B, pp. 7a–8a. The officer then initiated a frisk by telling Taylor to get out of the car "to make sure he didn't have any weapons on him," after which they "would be good to go." Dist. Ct. Dkt. 42, p. 55. At a subsequent evidentiary hearing, the officer confirmed that, consistent with his explicit statement to Taylor during the stop and his police report of the incident, he ordered Taylor out of the car to safely conduct "further investigation" into gun possession—not any traffic offense. Dist. Ct. Dkt. 42, pp. 54–55.

Taylor stepped out of the car, a fanny pack bag hanging across his front. App. B, p. 8a. The officers frisked Taylor and his bag, which revealed nothing. App. B, p. 8a–9a. They conducted records checks, asked again about weapon possession, and sought consent to search Taylor's vehicle, ultimately discovering a gun in the car. App. B, p. 9.

Taylor was federally indicted with unlawful firearm possession under 18 U.S.C. § 922(g)(1), and after unsuccessfully moving to suppress the evidence, pleaded guilty. App. B, p. 9a. He appealed his conviction to the United States Court of Appeals for the Ninth Circuit. He challenged numerous actions taken by officers both before and after the exit order as unrelated to the purpose of the traffic stop and unsupported by independent reasonable suspicion. Specifically, as to the exit order, Taylor argued officers unlawfully prolonged his detention by ordering him out of the car to facilitate a frisk unrelated to the license-and-registration mission of the traffic stop. Ninth Cir. Dkt. 6, 28. Because the officers lacked reasonable suspicion to investigate gun possession and were not otherwise concurrently engaged in an on-mission task, the exit order contravened this Court's decision in *Rodriguez v. United States*, 575 U.S. 348, 354 (2015), and violated the Fourth Amendment.

The Ninth Circuit affirmed Taylor's conviction. The court categorically held "officers could have Taylor exit his vehicle in the interest of officer safety," regardless of whether the order was given to facilitate a task within the scope of the traffic stop mission. App. B, p. 12a (citing *Pennsylvania v. Mimms*, 434 U.S. 106 (1977) (per curiam), and *Whren v. United States*, 517 U.S. 806, 814 (1996)). The

Ninth Circuit did not acknowledge or reconcile its holding with this Court's decision in *Rodriguez*, which explained that because the "officer safety interest stems from the mission of the stop itself . . . [o]n-scene investigation into other crimes . . . detours from that mission" as "do safety precautions taken in order to facilitate such detours." 575 U.S. at 356.

The Ninth Circuit's ultimate affirmance turned on the perceived lawfulness of the exit order, as the Court held only "once they observed Taylor fully outside of the vehicle" wearing his fanny pack did officers possess the reasonable suspicion necessary to take additional steps in furtherance of a gun possession investigation, including the frisk itself. App. B, p. 15a.

Reasons for Granting the Petition

I. Officers may not prolong a traffic stop by facilitating a separate criminal investigation unsupported by reasonable suspicion through the use of an exit order.

The Constitution tolerates a continuing traffic stop only so long as it remains cabined by the seizure's mission, meaning that officers are conducting tasks to address the traffic violation and attending to related safety concerns. *Rodriguez v. United States*, 575 U.S. 348, 354 (2015). During a stop for a minor traffic violation, this "mission includes 'ordinary inquiries incident to [the traffic] stop,'" *id.* at 355 (alteration in original) (quoting *Illinois v. Caballes*, 543 U.S. 405, 408 (2005)), such as "checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance," *id.* (citing *Delaware v. Prouse*, 440 U.S. 648, 658–60 (1979)). Such

actions share "the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly." *Id.*

"[A] seizure that is lawful at its inception," however, "can violate the Fourth Amendment if its manner of execution unreasonably infringes interests protected by the Constitution." *Caballes*, 543 U.S. at 407. Just as a "search must be limited in scope to that which is justified" by the warrant or "by the particular purposes served by [an] exception" to the warrant requirement, so too must the scope of a seizure remain "carefully tailored to its underlying justification." *Florida v. Royer*, 460 U.S. 491, 500 (1983). Thus, officer actions taken during a traffic stop that "lack[] the same close connection to roadway safety as the ordinary inquiries" are detours "not fairly characterized as part of the officer's traffic mission." *Id.* at 356. These off-mission tasks include "safety precautions taken in order to facilitate such detours," *id.*, including an officer's removal of the driver from his car, at least when undertaken exclusively in furtherance of a separate investigation, *Baxter v. Roberts*, 54 F.4th 1241 (11th Cir. 2022); *United States v. Whitley*, 34 F.4th 522 (6th Cir. 2022). When such detours lengthen the roadside detention, independent justification is required. *Rodriguez*, 575 U.S. at 355.

II. The Ninth Circuit read *Pennsylvania v. Mimms* in conflict with *Rodriguez v. United States.*

Mimms held an officer may order a lawfully detained driver to exit the vehicle for safety purposes, predicating this holding on the premise that the driver remains "lawfully detained" throughout the stop. *Mimms*, 434 U.S. at 109. Assuming this to be so in *Mimms*, "the only question" remaining for the Court was

"whether he shall spend that period sitting in the driver's seat of his car or standing alongside it." *Id.* at 111. *Mimms* thus proceeded to compare the interests of a lawfully detained motorist against those of officer safety, holding "[w]hat is at most a mere inconvenience" to the motorist of exiting his car "cannot prevail when balanced against legitimate concerns for officer safety." *Id.*

Because *Mimms* presupposed a traffic stop that remained lawful throughout, this Court had no occasion to consider the legal contours of continued detention. *See generally*, *Mimms*, 434 U.S. at 111; *see also Brecht v. Abrahamson*, 507 U.S. 619, 631 (1993) ("[S]ince we have never squarely addressed the issue, . . . we are free to address the issue on the merits."). *Rodriguez* thus picked up where *Mimms* left off, squarely addressing the *continued* lawfulness of a seizure in the traffic stop context.

Rodriguez drew upon decades of prior precedent analyzing the Fourth Amendment's constraints and reaffirmed that, absent independent justification, a roadside detention prolonged beyond the time necessary to achieve the mission of the traffic stop is unreasonable. 575 U.S. at 354. Reasonableness hinges on "whether the police diligently pursue their investigation." *United States v. Place*, 462 U.S. 696, 709 (1983); *see United States v. Sharpe*, 470 U.S. 675, 686 (1985) (to assess a stop's reasonable duration, "it [is] appropriate to examine whether the police diligently pursued [the] investigation"). But "[h]ow could diligence be gauged," this Court asked, "other than by noting what the officer actually did and how he did it?" *Rodriguez*, 575 U.S. at 357.

The continuing "reasonableness of a seizure" thus turns not on what the police *could have* done, but on "what the police *in fact* do." *Id.* (emphasis added); *see*

also Knowles v. Iowa, 525 U.S. 113, 116–19 (1998). When what police "in fact do" is conduct "[o]n-scene investigation into other crimes" or "safety precautions taken in order to facilitate such detours," the stop at "that point is 'unlawful.'" *Rodriguez*, 575 U.S. at 356–57 (citation omitted).

Because *Mimms* and *Rodriguez* each contribute to the "landscape" of binding traffic stop precedent, "both cases must be read together." *Lane v. Franks*, 573 U.S. 228, 245 (2014). That requirement poses no problem here. *Mimms* permits an exit order given during an otherwise lawful continuing detention, while *Rodriguez* clarifies when a detention becomes unlawful. The Ninth Circuit's holding that an officer may always order a driver out of his car, regardless of whether the order served solely as a safety precaution for an unrelated investigation, *see United States v. Taylor*, 60 F.4th 1233, 1240 (9th Cir. 2023), fails to read *Mimms* in harmony with *Rodriguez*, warranting review.

III. The Ninth Circuit untethered the rule announced in *Pennsylvania v. Mimms* from its underlying rationale.

Untethering *Mimms*'s rule from its predicate requirement—continued lawful detention—the Ninth Circuit has unilaterally granted officers carte blanche to remove a driver *anytime* once stopped. *Taylor*, 60 F.4th at 1240. *Mimms*, however, did not broaden the lawful scope of a traffic stop. Rather, an exit order, as any other official action lengthening the detention, remains bounded by the particular justification for the stop. Stated differently, the officer's safety interest recognized in *Mimms* "stems from the mission of the stop itself." *Rodriguez*, 575 U.S. at 356.

That a bright-line rule remains bounded by the circumstances of the case is nothing new. For example, in *United States v. Robinson*, 414 U.S. 218 (1973), this Court "held that the authority to conduct a full field search as incident to an arrest was a 'bright-line rule,' which was based on the concern for officer safety and destruction or loss of evidence, but which did not depend in every case upon the existence of either concern." *Knowles*, 525 U.S. at 118. But as this Court later explained in *Knowles*, whether an officer *could* make an arrest differs from whether he *did*—with consequent differences in the source of underlying justification (or lack thereof) for a subsequent search. *Id.* at 114, 117–18. "The danger to the police officer flows from the fact of the arrest, and its attendant proximity, stress, and uncertainty, and not from the grounds for arrest." *Robinson*, 414 U.S. at 235 n.5. But the "threat to officer safety" when electing to conclude an encounter by, for example, issuing a citation, "is a good deal less than in the case of a custodial arrest." *Knowles*, 525 U.S. at 117. Because the concerns regarding officer safety and loss of evidence are "not present to the same extent" when an officer is authorized to but does not actually effectuate an arrest, *Robinson*'s "bright-line rule" does not apply. *Id.* at 119.

Like *Robinson*'s search-incident-to-arrest rule, *Mimms*'s exit-order rule is cabined by the circumstances giving rise to the protected interest—here, officer safety "stem[ming] from the mission of the stop." *Rodriguez*, 575 U.S. at 356. But when "part of the reason [for the rule] ceases, according to a maxim of law and reason, so much of the rule ceases." *Matthews v. Zane*, 20 U.S. 164, 180 (1822). Thus, if officers initiate but then detour from prosecuting a traffic stop, safety

measures taken in furtherance of that detour are themselves off-mission. *Rodriguez*, 575 U.S. at 356. Even if "no more intrusive than the [lawful] exit order in *Mimms*," such an action "could not be justified on the same basis." *Id.* at 357. An exit order given for the purpose of facilitating a separate investigation does not fall within *Mimms*'s ambit.

The Ninth Circuit's extension of *Mimms*'s exit order beyond its rationale impermissibly "untether[ed] the rule from the justifications underlying the [*Mimms*] exception," *Riley v. California*, 573 U.S. 373, 386 (2014) (citation omitted), warranting this Court's review.

IV. The Ninth Circuit conflated subjective intent with objective action.

Rather than apply *Rodriguez*'s test to the exit order given in this case, the Ninth Circuit found the inquiry "misplaced," as "the Fourth Amendment's concern with 'reasonableness' allows certain actions to be taken in certain circumstances, *whatever* the subjective intent." *Taylor*, 60 F.4th at 1240 (quoting *Whren*, 517 U.S. at 814). In so holding, the Ninth Circuit conflated *Whren*'s general disregard of subjective intent with the Fourth Amendment's necessary reliance on objective evidence.

Rodriguez requires courts to consider objective evidence to determine whether officers acted diligently to "effectuate" the "purpose of the stop." 575 U.S. at 354. *Whren* is not in tension, "merely hold[ing] that a stop or search that is objectively reasonable is not vitiated by the fact that the officer's real reason for making the stop or search has nothing to do with the validating reason." *Florida v.*

Jardines, 569 U.S. 1, 10 (2013). For example, a defendant has no viable claim "that although he was speeding the officer's real reason for the stop was racial harassment." *Id.* In contrast, here "the question before the court is precisely whether the officer's conduct was an objectively reasonable [continuing seizure]." *Id.* To answer this question, *Rodriguez* requires courts to determine whether officers diligently "address[ed] the traffic violation that warranted the stop," including "*related* safety concerns." 575 U.S. at 354 (emphasis added).

In this regard, *Rodriguez* seamlessly aligns with this Court's precedent in various other Fourth Amendment contexts requiring consideration of objective evidence to determine an officer's purpose. *See generally*, Orin S. Kerr, *The Questionable Objectivity of Fourth Amendment Law*, 99 Tex. L. Rev. 447, 452–61 (2021) (discussing this Court's caselaw). For example, a mere trespass or invasion of privacy is not a "search" unless conducted "to obtain information." *United States v. Jones*, 565 U.S. 400, 408 n.5 (2012). And a "seizure" does not occur absent "the use of force with intent to restrain." *Torres v. Madrid*, 141 S. Ct. 989, 998 (2021) (emphasis omitted); *Brower v. Cnty. of Inyo*, 489 U.S. 593, 596 (1989) ("Violation of the Fourth Amendment requires an intentional acquisition of physical control."). Whether officers have "an implied license" to enter a home's curtilage "depends upon the purpose for which they entered." *Jardines*, 569 U.S. at 10. And whether a private individual acted as a government agent turns in part on whether officials made "an attempt . . . to coerce or dominate" or "direct" the individual. *Coolidge v. New Hampshire*, 403 U.S. 443, 489 (1971).

Perhaps most analogously, even the proper scope of a protective frisk under *Terry v. Ohio*, 392 U.S. 1 (1968), can depend on the searching officer's purpose. *See Minnesota v. Dickerson*, 508 U.S. 366 (1993). In *Dickerson*, while conducting a lawfully initiated frisk of a pedestrian, the officer felt a lump in the man's front jacket pocket. *Id.* at 369, 377–78. The officer did not suspect the lump was a weapon, but after manipulating the pocket contents further, believed he felt crack cocaine and took the object from the pocket. *Id.* at 377–78. This Court held the "continued exploration of respondent's pocket after having concluded that it contained no weapon" unlawful, as it "was unrelated to '[t]he sole justification of the search [under *Terry*:] . . . the protection of the police officer and others nearby." *Id.* (alterations in original) (quoting *Terry*, 392 U.S. at 29). Though this Court "did not dwell on the point," *Dickerson* delimited the lawful scope of a *Terry* frisk by looking to whether the officer's purpose in taken specific action aligned with the underlying justification for the search. Kerr, *supra* at 460. "The officer could squeeze the lump while trying to find a weapon because that goal was related to the officer-safety justification for *Terry* frisks." *Id.* But "squeezing while subjectively searching for drugs was unlawful because it was unrelated to that justification." *Id.*

In light of *Dickerson*, *Rodriguez*'s requirement that "what the officer actually did and how he did it" be related to the justification for the stop, 575 U.S. at 357, sews an unremarkable patch onto the quilt of Fourth Amendment jurisprudence. In misapplying *Whren* to hold the purpose of an officer's actions never matters in the traffic stop context—even where, as here, it went undisputed that the exit order was given solely as a safety measure to facilitate a separate investigation—the Ninth

Circuit contravened not only *Rodriguez*, but decades of prior precedent recognizing the constitutional necessity of such inquiries.

V. The Ninth Circuit's decision creates an unwarranted split with the Sixth and Eleventh Circuits.

Both the Sixth and Eleventh Circuits have recognized *Mimms*'s inapplicability to exit orders issued for off-mission pursuits in published opinions. The Ninth Circuit's deviation from these well-reasoned decisions creates an unwarranted split among the lower courts.

The Sixth Circuit, in *United States v. Whitley*, held an exit order required reasonable suspicion when the officers "explicitly stated that their purpose" in removing the driver was to investigate a non-traffic crime. 34 F.4th 522, 532 (6th Cir. 2022). There, officers lawfully initiated a traffic stop and upon speaking with the driver, observed a scale on his lap. *Id.* at 530. Rather than continuing with traffic-related tasks, one officer asked the driver to step out of his car because "they wanted to 'investigate the scale real quick.'" *Id.* at 527, 530.

The Sixth Circuit acknowledged that "in other contexts officers may require an individual to exit a vehicle as a safety precaution," but explained "such safety measures taken to facilitate a different investigation are not tasks incident to the initial stop." *Id.* at 530 (alteration omitted) (citing *United States v. Street*, 614 F.3d 228, 232 (6th Cir. 2010)).[1] Thus, "[e]ven if asking Whitley to exit the vehicle is properly considered a safety measure, it is still a detour that requires independent

[1] *Whitley* did not cite *Mimms* directly, but referenced *Street*, which discussed and applied *Mimms*'s holding to affirm an exit order. *See Street*, 614 F.3d at 232.

reasonable suspicion because the request facilitated the investigation into the scale and did not pertain to the original traffic stop." *Id.*

Similarly, the Eleventh Circuit, in *Baxter v. Roberts*, explained that *Mimms* does not permit an exit order "taken to pursue an unjustified detour," but instead, "simply defines the actions available to an officer conducting an already-lawful stop." 54 F.4th 1241, 1262 (11th Cir. 2022). There, an officer stopped a motorist and began writing a traffic citation. *Id.* at 1260. Before completing the ticket, however, the officer told the driver to exit the car so he could walk a drug-sniffing dog around. *Id.*

The Eleventh Circuit acknowledged "*Mimms* imposes a per se rule: during a lawful traffic stop, an officer may order the driver out of the vehicle." *Baxter*, 54 F.4th at 1262. But the Court further explained, "in *Rodriguez*, the Supreme Court emphasized that 'safety precautions taken in order to facilitate [unrelated] detours' are beyond a traffic stop's lawful scope." *Id.* (alteration in original) (quoting *Rodriguez*, 575 U.S. at 356). Thus, when "taken to pursue an unjustified detour," an exit order constitutes "an impermissible extension" of the stop absent reasonable suspicion. *Id.* (holding "a reasonable jury could conclude that [the officer's] order was just that").

State courts too are split. Of the states in which the highest court has considered the issue, two—Montana and Wyoming—agree an exit order remains subject to *Rodriguez*'s purpose-driven inquiry, while two—Idaho and Wisconsin—

have held otherwise.[2] Intermediate appellate courts within the same state can differ, creating intrastate conflicts on the issue.[3]

This Court should grant certiorari to resolve the conflict.

VI. Correcting the Ninth Circuit's opinion is important.

"The most common reason for contact with the police is being a driver in a traffic stop." *Traffic Stops*, Bureau of Justice Statistics, https://www.bjs.gov/index.cfm?tid=702&ty=tp (last accessed Oct. 2, 2023). In this context, the nation's largest and most populous federal circuit[4] has not merely misapplied a correctly expressed rule of law, but adopted an erroneous, novel rule in conflict with this Court's binding precedent.

Correcting the Ninth Circuit's misstep is particularly important. Absent this Court's guidance, citizens among the various federal circuits will not enjoy equal constitutional protections. Indeed, citizens of even a single state may, depending on the state, lack equal opportunities to avail themselves of these protections depending solely on whether proceedings are held in state or federal court.[5]

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[2] *Compare State v. Roy*, 296 P.3d 1169 (Mont. 2013), *State v. Noli*, 529 P.3d 813 (Mont. 2023), *and Mills v. State*, 458 P.3d 1 (Wyo. 2020); *with State v. Pylican*, 477 P.3d 180, 185 (Idaho 2020)*, and State v Brown*, 945 N.W.2d 584 (Wis. 2020).

[3] *Compare, e.g.*, *State v. Benjamin*, 229 So. 3d 442 (Fla. Dist. Ct. App. 2017); *with Creller v. State*, 336 So. 3d 817, 825 (Fla. Dist. Ct. App. 2022).

[4] *See State Population Totals and Components of Change: 2020-2022*, U.S. Census Bureau (June 13, 2023), https://www.census.gov/data/tables/time-series/demo/popest/2020s-state-total.html#v2022 (Tables).

[5] This is already the case in Montana. There, the state supreme court has recognized the purpose underlying an exit order render the action off-mission, while the Ninth Circuit, within which the federal district of Montana sits, now holds the opposite. *See supra*, n.2.

This Court should grant certiorari to ensure and maintain consistency in the law concerning this most common aspect of American life.

VII. This case presents an ideal vehicle for review.

This case is an ideal vehicle for the Court to address the federal circuit split about whether law enforcement officers may order a driver to exit his vehicle for an off-mission purpose, absent independent reasonable suspicion and while not otherwise concurrently engaged in an on-mission task. This issue squarely presented and preserved for adjudication.

Moreover, the Ninth Circuit's ultimate finding that reasonable suspicion supported subsequent officer actions taken to investigate a non-traffic offense turned on the lawfulness of the exit order. *See Taylor*, 60 F.4th at 1241 (holding officers had reasonable suspicion to conduct challenged actions "once they observed Taylor fully outside of the vehicle"). Thus, this Court need not wade into any factual inquiries underlying reasonable suspicion—the sole issue before the Court concerning the exit order is purely legal and ripe for review.

Conclusion

This Court should grant the petition for certiorari.

Dated: October 5, 2023.

Respectfully submitted,

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