No. _____

In the Supreme Court of the United States

NICHOLAS MORROW,

Petitioner

v.

METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY, TENNESSEE; TOMMY WIDENER; ANDREW KOOSHIAN, NICHOLAS KULP; MARCUS DARDEN; RYAN STORM; BRITTANY MCELWEE; EDIN PLANCIC; NICHOLAS CARROLL; AND JEDIDAYAH MERRIWEATHER

Respondents

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

CORRECTED PETITION FOR WRIT OF CERTIORARI

Paul Andrew Justice III
1902 Cypress Drive
Murfreesboro, TN 37130
(615) 419-4994
drew@justicelawoffice.com

Counsel for Petitioner

QUESTIONS PRESENTED

1. Could the need for a mental health arrest, without more, justify intruding upon the Petitioner's home without a warrant?

2. If the dismissal of the Fourth Amendment claim is reversed, then should the state-law Trespassing claim also be reinstated?

RELATED PROCEEDINGS

Morrow v. Metropolitan Government of Nashville and Davidson County, Tennessee, slip op. 3:19-cv-00351 (M.D. Tenn. March 24, 2022).

Morrow v. Metropolitan Government of Nashville and Davidson County, Tennessee, slip op. (6th Cir. Aug. 15, 2023).

PARTIES TO THE PROCEEDING

The Petitioner is Nicholas Morrow, the Plaintiff

The Respondents are the Metropolitan Government of Nashville & Davidson County, Tennessee; Tommy Widener; Andrew Kooshian; Nicholas Kulp; Marcus Darden; Ryan Storm; Brittany McElwee; Edin Plancic; Nicholas Carroll; and Jedidayah Merriweather. Said parties are named in the caption.

Below, an additional Defendant-Appellee included the Vanderbilt University Medical Center. Nonetheless, the Petitioner does not believe that Vanderbilt has any further interest.

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PETITION FOR CERTIORARI

After the Petitioner, Nicholas Morrow, posted some strange political commentary on Facebook, the police decided to arrest him. Specifically, they arrested him for his mental health. Supposedly for his own good, they laid siege to his house for four or five hours, intruded upon (and even camped out in) the fenced back and side yards, turned off his air conditioner unit, and finally tased and arrested him when he stepped out onto the back porch to check on his dog. The police did not have a warrant, or any other court order, to authorize entering the home or its curtilage. Regardless, when Morrow sued based on the Fourth Amendment, the case was dismissed on summary judgment, and the Sixth Circuit affirmed. According to the Sixth Circuit, the police may arrest someone in his home whenever he needs involuntary mental health treatment — even *without* any showing of exigent circumstances. Because this ruling expressly and directly contradicts the Supreme Court's recent decision in *Caniglia v. Strom*, 141 S.Ct. 1596 (2021), Morrow asks that the Court grant certiorari and reverse.

JURISDICTION

The Court has appellate jurisdiction under 28 U.S.C. § 1254(1), which authorizes certiorari after a ruling by a federal appellate court.

The Sixth Circuit issued its opinion on August 15, 2023. (Pet. Appx. 3). Fourteen days later, Morrow filed a petition for panel rehearing. (Pet. Appx. 32). The court denied it on September 29, 2023. (Pet. Appx. 33) He filed for certiorari on December 28, 2023, the Clerk asked for corrections on January 4, 2024, and Morrow is submitting this Corrected Petition on March 4, 2024.

CONSTITUTIONAL AND STATUTORY PROVISIONS

Fourth Amendment

> 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.

28 U.S.C. § 1367(a)

> Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil case in which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to the claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.

STATEMENT OF THE CASE

A. Posts on Facebook about Corruption[1]

Early in the day on Sunday April 29, 2018, Plaintiff Nicholas Morrow posted the following on Facebook:

> The VA have Murdered Veterans.
>
> The Metro and Smyrna Police have Murdered Citizens.
>
> Auto Masters is an organized criminal enterprise colluding with police to arrest citizens of USA[2]
>
> Nashville State [a local college] have stolen from Tennesseans.
>
> They ALL have robbed Tennessee blind.
>
> And...
>
> I can prove it in court.
>
> Federal Crimes happen in Nashville every single day. We were distracted by the injustice.

(Facebook Screenshots, p. 12-13, Pet. Appx. 45-46).

Later, when replying to an encouraging comment given in response. Morrow further said, "Keep tuned... I got some surprises [wink] [wink.]" (*Id.*)

Finally, when replying to another comment by the same girl who posted the above comment, he said, "[K]eep watchin... at 4pm Nashville will change." (*Id.*)

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1 Actual screenshots of all the Facebook posts are included in the Appendix, pages 33-48.

2 The strange reference to Auto Master was later explained in a followup post, saying that Auto Master conspires with the police to spy on its customers and carry out arrests. (Facebook Screenshots, p. 10, Pet. Appx. 43).

B. Speculation about Homicidal Intent

The commenter, Kimberly Cates, was a classmate of Morrow at Nashville State Community College. (Darden Depo. Tr. 4, Pet. Appx. 50). Subsequently, her brother-in-law contacted police dispatch about the Facebook posts, telling them to talk to Cates. (Dispatch Report, p. 2, at Entry 15:09:08, Pet. Appx. 93). Among other things, the informant alleged that Morrow had somehow threatened a professor two weeks before. (*Id.*) But he indicated that only his "sister in law" had personal knowledge of the situation, and that the police should thus talk to Kimberly Cates. (*See id.*) (capitalization removed).

When the police went to interview Cates, she talked to them about the above Facebook speech. (Darden Depo. Tr. 4, Pet. Appx. 50). She told them that Morrow had gotten into an "argument or disagreement" with a professor at Nashville State. (*Id.*) She said that she was worried because Morrow had extreme Post-Traumatic Stress Disorder from his time spent in combat overseas. (*Id.*) As a result of his experiences in the war, and as a result of the above Facebook comments, she "felt" that he would somehow "harm" the professor, or "possibly commit a school shooting." (*Id.*)

The key evidence by which Cates purported to link the Facebook posts to harming the professor was the reference to 4:00 p.m. She said that the professor was hosting an exam at the college that day, specifically at 4:00 p.m. (Field

Supervisor Review, p. 9, Pet. Appx. 99). Even more ominously, she said that Morrow was scheduled to take it. (*Id.* at p. 6, Pet. Appx. 97).

Officer Marcus Darden investigated. (Darden Depo. Tr 5-7, PageID, Pet. Appx. 51-53). He spoke to the classmate, Kimberly Cates. (*Id.*) She acknowledged that she never even *heard* Morrow threaten anyone. (*Id.*) Instead, she just said that she knew Morrow, and that she "felt" or "thought" the Facebook posts were threatening. (*Id.*) Officer Darden then reviewed the Facebook posts himself. (*See id.*) He did not find them threatening. (*Id.*) Later that night, Darden would tase and arrest Morrow. But even at that time, he did not perceive Morrow to be a threat. (Darden Depo. Tr. 25-26, Pet. Appx. 55-56).

C. The Siege of Morrow's Home

Still, at 3:46 p.m. the dispatchers alerted the police that the exam was scheduled for that day — Sunday — and that Morrow "might attempt to do something." (Dispatch Report, p. 2, Entry at 15:46:18, Pet. Appx. 93). Responding to this possibility that "something" might happen, the police began pouring onto Morrow's residential property sometime around 4:00 p.m.

As 4:00 p.m. rolled around, though, no murders took place. Around that same time, the police investigated the college. They learned that no exams were even being held on Sunday — either at 4:00 p.m., or any other time. (Dispatch Report, p.

2, at Entry 15:51:10, Pet. Appx. 93). Oddly enough, they learned that students were not present on Sunday. (*Id.*)

Instead of out killing the innocent civilians of his own team, Morrow was peacefully inside his house. But he had little or no desire to interact with the police. When the police arrived, they knocked on Morrow's front door, and then also on his back door. (Use-of-Force Packet, p. 9, Pet. Appx. 104). Defendants Ryan Storm and Edin Plancic were the ones who knocked on the back door. (*Id.*). They knocked on both doors for about five or ten minutes. (Storm Depo. Tr. 9, Pet. Appx. 58). When Morrow declined to respond, Defendant Darden contacted Mobile Crisis. (Darden Depo. Tr. 11, Pet. Appx. 54). Mobile Crisis is part of the Mental Health Cooperative. (Yarbrough Depo. Tr. 13, Pet. Appx. 87). It is a group of psychologists that evaluates people for being homicidal, suicidal, or psychotic. (*Id.*)

Morrow's back yard was fenced off. (Storm Depo. Tr 11, Pet. Appx. 60; Storm Depo. Ex. 1, 4, 5, and 6, Pet. Appx. 64, 65, 67, and 68). The side yard (to the right) was also fenced off, and it contained an air conditioner unit. A photo of the side yard is shown at Petition Appendix page 68.

The officers did not have any warrant to search the property itself, or to seize Morrow. (Widener Depo. Tr. 33, Pet. Appx. 80). Nor did they ever acquire any consent to stay on the property, or to enter the home. At one point, Morrow himself even posted on Facebook, telling them to leave. (Dispatch Report, p. 2, Entry 18:29:38, Pet. Appx. 93). Despite the lack of consent, Defendants Storm and Carroll

camped out in the rear of the house for "about four hours." (Use-of-Force Packet, p. 10, Pet. Appx. 105). At some point, Officer Storm decided to turn off the air conditioner to the home — located in the side yard. (Use-of-Force Packet, p. 9, PageID # Pet. Appx. 104). He turned off the air conditioner because one of his supervisors instructed him to do it. (Storm Depo. Tr. 23, Pet. Appx. 63). The supervisors were Defendants Andrew Kooshian, Nicholas Kulp, and (later) Tommy Widener. (Summary Judgment Opinion, p. 1, Pet. Appx. 15).

D. The Psychologist's Writ

Captain Widener arrived at 7:19 p.m. (Field Supervisor Review, p. 5, Pet. App. 96). When deciding what to do with Morrow, the police "didn't know" if there were any exigent circumstances to enter his back yard. (Widener Depo. Tr. 27-28, Pet. App. 74-75). However, Captain Widener felt that he needed to *ensure* that Morrow was not a threat to anyone. (Widener Depo. Tr. 24, Pet. Appx. 71). The police were under the impression that years before, in 2016, Morrow had "barricaded" himself in his home, had possessed a shotgun and a handgun, and had uttered some sort of threat against the police and "others." (Widener Depo. Tr. 36, Pet. Appx. 83). The record seems to show no indication, however, that the officers knew any more specific facts about that incident. (*Cf.* Dispatch Report, p. 2, Pet. Appx. 93) (Reporting only that the prior records from the address said that Morrow

"has made threats twd police and poss owns shotgun and pistol." Capitalization removed).

Ultimately, Widener told his officers that Mobile Crisis got to make the determination about what the police would do. (Widener Depo. Tr. 26, Pet. Appx. 73). Widener acknowledged that a suspect has no obligation to talk to either the police or Mobile Crisis. (Widener Depo. Tr. 35-36, Pet. Appx. 82-83). Nonetheless, he was going to ensure that the suspect was at least brought to Mobile Crisis for an interview, even if the suspect might choose to remain silent. (*Id.*) Consequently, when Widener learned that Mobile Crisis had signed a form seeking an interview, he ordered the police to take Morrow into custody. (Field Supervisor Review, p. 5, Pet. Appx. 96). Widener did not even read the form. (Widener Depo. Tr. 40, PageID # 837).

One of the Mobile Crisis psychologists was Ashley Yarbrough. (Yarbough Depo. Tr. 12-13, Pet. Appx. 86-87). She found the Facebook post, referencing "change" coming at 4:00 p.m. to be "possibly threatening." (Yarbrough Depo. Tr. 47, Pet. Appx. 89). Hence, she wrote the Form 6-401, ordering the officers to arrest Morrow out of his house, and thereby bring him in for questioning.[3] (Yarbrough Depo. Tr. 37, Pet. Appx. 88). For probable cause, her Form 6-401 just said that Morrow had "been making threats on social media [and] through email that

3 The form number, "6-401," derives from Tenn. Code Ann. § 33-6-401. This statute lets the police arrest someone for psychiatric examination to see whether he needs hospitalization.

'[N]ashville will change at 4pm[.]' (Storm Depo. Ex. 3, Pet. App. 66). Also, it said that Morrow was exhibiting paranoid delusions, and manic behavior. (*Id.*)

In the end, the police only worried that Morrow might harm others — such as the professor holding the exam on Sunday. They had no concern that he was suicidal, or likely to harm himself. (Darden Depo. Tr. 25, Pet. Appx. 55).

E. The Arrest of Nicholas Morrow

Executing the psychologist's warrant, Officers Ryan Storm and Nicholas Carroll "took position on the rear side of Mr. Morrow's residence with long guns." (Use-of-Force Packet, p. 9, Pet. App. 104). They camped out in the back yard for about four hours. (Use-of-Force Packet, p. 10, Pet. App. 105). Further, Officer Marcus Darden "was present in the backyard" along with Sergeant Brittany McElwee, Officer Jedidayah Merriweather, Officer Ryan Storm, and Officer Nicholas Carroll. (Use-of-Force Packet, p. 8, Pet. Appx. 103).

"After several hours," Morrow let his dog outside into the back yard. (Use-of-Force Packet, p. 5, Pet. Appx. 101). The dog was barking at the officers, but not trying to assault them. (Storm Depo. Tr., p. 57-58, Pet. Appx. 62-63). But to ensure that the dog had no possible opportunity to bite the officers — who were in the back yard, inside the fence — Sergeant Brittany McElwee moved in to physically interact with the dog. (*See* Use-of-Force Packet, p. 6, Pet. Appx. 102). Morrow, who saw the

police physically interacting with his dog, stepped outside and told them not to hurt his dog. (Use-of-Force Packet, p. 10, Pet. Appx. 105).

At that point, Officers gave "commands" to Morrow, telling him to "step off the porch with his hands up because he was being detained[.] (Use-of-Force Packet, p. 6, Pet. Appx. 102). Morrow refused to submit. (*Id.*) Consequently, the police tased him on his own porch, and arrested him. (Summary Judgment Opinion, p. 4-5, Pet. Appx. 18-19.)

F. Trial Court Proceedings

Morrow sued Metro Nashville, and also supervising police officers Tommy Widener, Andrew Kooshian, and Nicholas Kulp, under Section 1983 for violating his Fourth and First Amendment rights. *Morrow v. Metropolitan Govt. of Nashville & Davidson County, Tenn.*, 22-5232 slip op. at *1 and *6 (6th Cir. Aug. 15, 2023), (Pet. Appx. 3 and 8). The federal lawsuit was filed in the Middle District of Tennessee on April 29, 2019. (*Id.*) Morrow also sued the lower-level officers for common-law Trespassing. (*Id.*)

The Defendants moved for summary judgment. The District Court granted summary judgment to all the police Defendants on the merits of the Fourth and First Amendment claims. (Summary Judgment Opinion, p. 1, Pet. Appx. 15). Notably, it only dismissed the state-law Trespass claim for lack of subject-matter

jurisdiction, not the merits. (Summary Judgment Opinion, p. 16, Pet. Appx. 30). Morrow appealed.

G. Appeal

The Sixth Circuit then affirmed in all respects. On the question of whether exigent cricumstances are needed to make a mental health arrest inside a home, it held as follows:

> The leading case in this circuit governing probable cause for mental health seizures is *Monday* [*v. Oullette*], 118 F.3d 1099 [(6th Cir. 1997)]. *Monday*, like this case, involved a mentally ill person's detention against his will by law enforcement. *Id.* at 1101. The *Monday* court analogized a dangerous mental condition to criminal activity in the Fourth Amendment context, even without directly addressing exigent circumstances. *Id.* at 1102. "Thus, so long as an officer has probable cause to believe that an individual is dangerous, a warrant is not required in this circuit for a mental-health seizure." *Simon v. Cook*, 261 F. App'x 873, 882 (6th Cir. 2008). Under the standard announced in *Monday*, no Fourth Amendment violation occurred here. Simply put, Morrow displayed obvious mental health struggles that prompted the police officers' actions, thus establishing probable cause to detain him.
>
> Even though Morrow argues otherwise, this court has also routinely recited the *Monday* mental health detention standard without mentioning the need for exigent circumstances, even when the police barged into a plaintiff's home with no warrant. *Rudolph v. Babinec*, 939 F.3d 742, 747 (6th Cir. 2019) (per curiam); *see also Gradisher v. City of Akron*, 794 F.3d 574, 578–80, 584–85 (6th Cir. 2015) (holding that it was not clearly established that officers could not forcibly enter plaintiff's home where officers received information that he "made several drunken and abusive phone calls to 911," had an outstanding warrant for failure to appear, had issued a "subtle threat to another patron about having a gun," and "bolted his front door and retreated into his back door when he was spotted coming out from there" after officers arrived.

Morrow, 22-5232 slip op. at *9 (Pet. Appx. 11).

REASONS TO GRANT THE WRIT

The Court should issue a writ of certiorari because the Sixth Circuit has nullified an important ruling of this Court — even one hot off the presses. Arguably, the parties might always dispute whether the areas were curtilage (although the proof seems clear that they were). Arguably, the parties might even dispute whether exigent circumstances existed (although the proof seems clear that they did not). But one thing the parties cannot dispute is *Caniglia v. Strom*, 141 S.Ct. 1596 (2021). There, this Court held that a seizure based on community caretaking — based on the need for mental health intervention — did *not*, by itself, justify a warrantless intrusion upon a home. *Id.* Instead, the police could only intrude upon the home with exigent circumstances. *Id.* at 1599. In contradiction, here the Sixth Circuit has expressly held that, for mental health, the police may invade a home even without exigent circumstances. The Sixth Circuit has not addressed the case of *Caniglia* at all. To preserve an important Fourth Amendment right and to lay down the law, the Court should grant certiorari and reverse the Sixth Circuit.

1. The Police Intruded upon the Home.

First, the proof was clear that the property was curtilage. Undisputedly, police not only intruded into the fenced back yard, but some of them even camped out for hours. (Use-of-Force Packet, p. 10, Pet. Appx. 105). At the direction of higher-ups, one of them even turned off Morrow's air conditioner. (Storm Depo. Tr. 23, Pet. Appx. 61; Use-of-Force Packet, p. 9, Pet. Appx. 104). There is no conceivable

argument that a social guest, such as a trick-or-treater or a girl scout selling cookies, would have any implied permission to do these things. *Cf. Florida v. Jardines*, 569 U.S. 1, 8 (2013). Therefore, the Fourth Amendment was violated — unless the police had a warrant, or some other grounds for intruding. *See id.* Eventually, the police even tased Morrow on his back porch, itself also located in the fenced back yard. *Morrow*, 22-5232 slip op. at *5 (Pet. Appx. 7); (Storm Depo. Ex. 6, Pet. Appx. 69). The question of curtilage should be a non-issue.

2. No Exigent Circumstances Existed.

Next, the proof was clear that the police lacked any exigent circumstances. Even if we assume that Morrow was dangerous due to a mental health problem, the person to whom he posed the danger (a college professor) did not live with him. Morrow had no way of immediately harming this person while inside his own home. Nor did anyone specifically believe that anyone else was inside, who might be harmed. Nor did anyone believe that Morrow was suicidal — likely to harm himself. (Darden Depo. Tr. 25, Pet. Appx. 55) ("I don't recall any information about him harming himself, I recall there being concern over him harming others."). In other words, even assuming that Morrow truly needed to be hospitalized for mental health, the danger was not immediate. The police had time to get a court order.

Exigent circumstances only allow the police to invade a residence where there is both a compelling need for official action, and also an absence of time to get a warrant. *Lange v. California*, 141 S.Ct. 2011, 2014 (2021). That the police camped

outside for many hours here — most of it inside the home's curtilage, (*see* Pet. Appx. 105) — instead of making any effort to secure a court order, underscores the lack of need for quick action. *See O'Brien v. City of Grand Rapids*, 23 F.3d 990, 998 (6th Cir. 1994) (Delay of four and a half hours before entry belied officers' claim of exigent circumstances). No exigent circumstances existed.

3. Contradicting this Court, the Sixth Circuit Does Not Require Any Exigent Circumstances to Enter a Home.

Apparently recognizing these points, the Sixth Circuit disclaimed any exigent circumstances. Instead of finding any, it simply held that no exigency is required for a mental health arrest. *Morrow*, 22-5232 slip op. at *9 (Pet. Appx. 11). However, the case cited by the Sixth Circuit for that premise — *Monday v. Oullette*, 118 F.3d 1099 (6th Cir. 1997) — is irrelevant because it never even addressed the issue of exigent circumstances one way or the other. In *Monday*, no one even argued over exigency, or lack thereof. Instead, the only question was probable cause for a mental health arrest — specifically, an arrest based on fear that the subject was attempting suicide. *Id.*, at 1102-03. Since a potential suicide would constitute an immediate danger (with the potential victim being within arm's reach of the suspect), exigent circumstances almost certainly did exist there. In Morrow's case, no one feared any suicide. (Darden Depo. Tr. 25, Pet. Appx. 55). Regardless, no one argued over exigent circumstances in *Monday*, meaning that the case simply has nothing to do with the doctrine. The same can be said for another case cited by the Sixth Circuit

below, *Rudolph v. Babinec*, 939 F.3d 742 (6th Cir. 2019). In *Rudolph*, again the court found probable cause to think the plaintiff would commit suicide, and therefore no one even disputed the question of exigent circumstances. *See id.* Simply put, cases that only deal with probable cause — not exigent circumstances — cannot bind us on the topic of exigent circumstances.

In *Payton v. New York*, 445 U.S. 573 (1980), this Court held long ago that probable cause, by itself, cannot justify a warrantless arrest in a home, at least not in the criminal context. There is no reason why the rule should be different for mental health. In fact, in *Michigan v. Fisher*, this Court held that exigent circumstances are indeed required before entering a home to seize a man who is "going crazy" inside. 558 U.S. 45 (2009). Here, the police similarly feared that Morrow was going crazy. Yet unlike in *Fisher*, here everyone seems to agree that no exigency existed. Finally, in *Caniglia*, the Court most recently held squarely that a mental health concern does *not* justify a seizure in a home, unless an exigency also exists. 141 S.Ct. 1596. But now the Sixth Circuit has held the opposite — that exigent circumstances are unnecessary. Morrow argued the need for exigency, but the Sixth Circuit disagreed. Unfortunately, by disagreeing with Morrow, it was also disagreeing with this Court. It was nullifying *Caniglia*, 141 S.Ct. 1596.

One of the three main grounds for certiorari is where "a United States Court of Appeals . . . has decided an important question of federal law in a way that conflicts with relevant decisions of this Court." Sup. Ct. R. 10(c). Here the question

is indeed important — signified by the fact that the Court already took it up in *Caniglia*, 141 S.Ct. 1596. Moreover, there the Court unanimously ruled in favor of Fourth Amendment rights, again signifying their importance. *Id.* Finally, the right is important enough that this Court has acknowledged or alluded to it as far back as *Fisher*, 445 U.S. 58 and arguably even *Payton*, 445 U.S. 573. Unfortunately, the Sixth Circuit has now decided this important question in a way that directly conflicts with *Caniglia*. Certiorari is appropriate.

4. If the Judgment on the Fourth Amendment is Reversed, then the State-Law Claim Should Also be Reinstated.

As one final note, Morrow also has listed the secondary issue of whether to reinstate his supplemental state-law claim. The Trespassing claim involves basically the same facts, and highly similar law. While this secondary issue would be unworthy of the Court's time by itself, Morrow raises it to ensure that the Court has jurisdiction to grant complete relief (if it sides with Morrow). Review ordinarily only extends only to questions raised as issues, and any "subsidiary question fairly included therein." Sup. Ct. R. 14(1)(a). Arguably, the Trepassing claim is not fairly included in the Fourth Amendment claim. Therefore, Morrow is raising it separately.

Under supplemental jurisdiction, a federal court generally has jurisdiction over state-law claims based on the same core facts. 28 U.S.C. § 1367(a) and (c). Here it is doubtful that anyone even disputes that the federal courts would indeed have

subject-matter jurisdiction — *if* the Fourth Amendment claim were indeed reinstated. The Trespassing claim was dismissed only because the federal claims were all dismissed. (Pet. Appx. 14). But if the federal claim is reinstated, then the state claim should similarly be reinstated.

CONCLUSION

Because the Sixth Circuit has now undone the recent ruling of *Caniglia v. Strom*, 141 S.Ct. 1596, and has impaired important Fourth Amendment rights, the Court should grant the writ of certiorari. Ultimately, it should then reverse, and reinstate both the Fourth Amendment claim and also the related state claim.

Respectfully submitted,

Paul Andrew Justice III
Attorney for Nicholas Morrow
1902 Cypress Drive
Murfreesboro, TN 37130
(615) 419-4994
drew@justicelawoffice.com