

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-18

ARTHUR GREGORY LANGE,
PETITIONER

v.

STATE OF CALIFORNIA

ON WRIT OF CERTIORARI
TO THE CALIFORNIA COURT OF APPEAL,
FIRST APPELLATE DISTRICT

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 this Court, the Acting Solicitor General, on behalf of the United States, respectfully moves for leave to participate in oral argument in this case as amicus curiae supporting affirmance and that the United States be allowed ten minutes of argument time. The Court-appointed amicus has agreed to cede ten minutes of argument time to the United States and consents to this motion.

This case presents the question of an officer's ability under the Fourth Amendment to the federal Constitution to pursue a suspect into a residence, when the officer has probable cause to

arrest the suspect for a misdemeanor offense and the suspect is on notice that the officer is trying to stop him. The California Court of Appeal held that an officer's pursuit of a misdemeanor suspect into a residence in those circumstances is reasonable under the Fourth Amendment. Pet. App. 18a. Respondent has declined to defend the judgment, and the Court has appointed an amicus curiae to brief and argue in support of the judgment below. The United States is filing today a brief as amicus curiae supporting affirmance.

The United States has a substantial interest in the disposition of this case. The question of an officer's authority to make a warrantless entry into a residence in pursuit of a suspect whom the officer has probable cause to believe has committed a misdemeanor may arise in the context of federal law enforcement in national parks or on other federal land. It also may arise in federal prosecutions based on arrests by state or local police. 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). We therefore believe that participation by the United States in oral argument in this case would be of material assistance to the Court.

Respectfully submitted.

JEFFREY B. WALL
Acting Solicitor General
Counsel of Record

JANUARY 2021