

No. 25-6057

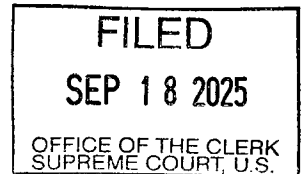
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Katrina Lawson — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Eleventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Katrina Lawson Reg. No 35213509
(Your Name)
Federal Medical Center Carswell Camp
P.O. Box 27137

(Address)

Fort Worth, TX 76127
(City, State, Zip Code)

N/A
(Phone Number)

I.

QUESTION(S) PRESENTED

1. Whether the warrantless seizure of a cell phone from a private closet during a lawful arrest, without either a warrant, or the owner's consent absent exigent circumstances, followed by a prolonged delay before obtaining a search warrant to search the device, complies with the Fourth Amendment rights against unreasonable searches and seizures?

2. Whether a 12-day delay obtaining a search warrant for a cell phone seized as incident to an arrest is unreasonable under the Fourth Amendment, where the government only offered ministerial and administrative explanations to justify the delay?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

- United States v. Lawson No. 3:21-cr-00006-TCB-RGV, U.S. District Court for the Northern District of Georgia. Judgment entered Feb. 21, 2023.
- United States v. Lawson, No. 24-10561 U.S. Court of Appeals for the Eleventh Circuit. Judgment entered June 23, 2025.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 23, 2025.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment IV:

The Fourth Amendment protects "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures" and provides that "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." U.S. Const. amend. IV.

STATEMENT OF THE CASE

The Fourth Amendment provides that "the right of the people to be secure in their person, houses, papers, and effects against unreasonable searches and seizures, shall not be violated." U.S. Const. Amend. IV. With respect to the type of electronic device at issue in this case, it is now well established that, while "it is constitutionally reasonable..to seize 'effects' ... without a warrant [when] probable cause [exists] to believe they contain contraband," law enforcement must obtain a search warrant to search a cell phone or computer unless exigent circumstances apply. See, Riley v. California, 134 U.S. 2473 (2014); United States v. Jacobsen, 466 U.S. 109, 121-22(1984); United States v. Mitchell, 565 F.3d 1347 (11th Cir. 2009). However, even a seizure that may be "lawful at its inception can nevertheless violate the Fourth Amendment because its manner of execution unreasonably infringes possessory interests protected by the Fourth Amendment's prohibition against 'unreasonable searches.'" Jacobsen, 466 U.S. at 124. So, if law enforcement unreasonably delays obtaining a warrant to search the item after seizing it, an otherwise reasonable seizure may become unreasonable. See Mitchell, 565 F.3d at 1350. The reasonableness of the delay is determined "in light of all the facts and circumstances" and "on a case-by-case basis." Id. at 1351.

This case presents the question of whether seizing a cell phone from a private residence without the owner's consent without a warrant, and then delaying warrant acquisition to search the phone, is permissible under the Fourth Amendment.

1. The seizure and Lawson's arrest

On March 18, 2021, Katrina Lawson was arrested at her home in Houston, Texas. Ms. Lawson was indicted on one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (Count One), eight counts of wire fraud, in violation of 18 U.S.C. § 1343 (counts 2-9), two counts of bank fraud, in violation of 18 U.S.C. § 1344 (counts 10 and 11), one count of mail fraud, in violation of 18 U.S.C. § 1341 (count 12), and one count of money laundering, in violation of 18 U.S.C. § 1957 (count 13). The indictment alleged that Ms. Lawson was conspiring with other people to defraud the federal government and banks by submitting fraudulent loan applications for COVID-19 pandemic related relief loan programs for businesses to the Small Business Administration knowing that those applications contained false information. Much of the scheme was perpetrated by the use of cell phones, which the co-conspirators used to exchange information for the alleged fraudulent applications.

At the time of her arrest, Ms. Lawson's cell phone was taken from her out of her closet, without a warrant or without her consent, Lawson was asked for the passcode to unlock her phone and she decline to provide it. Twelve (12) days later the government sought and obtained a search warrant to search her phone, that search was executed on April 6, 2021, nineteen (19) days after the phone's seizure. The search warrant application did not provide any explanation as to why the government waited almost two weeks to take any action regarding the phone, nor did it indicate that Ms. Lawson was informed when or whether she could expect to get her phone back. There is no evidence that the agent attempted or planned to obtain

a search warrant sooner, nor is there evidence that any external factors caused the delay. Moreover, unlike both Mitchell and Laist at no point did Ms. Lawson consent to the phone's search or seizure, or otherwise contribute to the government's delay by later revoking said consent.

In Mitchell, agents seized a computer hard drive from the home of the defendant, believing that the hard drive contained child pornography. Mitchell, 565 F.3d at 1349, the agent tasked with searching the hard drive waited three (3) weeks before obtaining a search warrant and conducting the search. Id. at 1349-50. The defendant moved to suppress the evidence discovered as a result of the search, arguing that the agent's delay in obtaining a search warrant was unreasonable. Id. at 1350. The government argued that the agent was unavailable for two weeks after the initial seizure of the hard drive because he was attending a training course, and therefore the delay was justified and reasonable. Id. at 1349. Nonetheless, the Eleventh Circuit held that the three(3) week delay in obtaining a search warrant was unreasonable, and that the evidence obtained from the hard drive should have been suppressed. Id. at 1352.

In this case, when Lawson's cell phone was seized without consent the government should have promptly sought a warrant to authorize the phone's search and seizure as even the brief warrantless seizure of a cell phone has been found to be unreasonable. See United States v. Babcock, 924 F.3d 1180, 1190-91 (11th Cir. 2019) (finding the two-day pre-warrant seizure of a cell phone unreasonable). By depriving Ms. Lawson of her cell phone for twelve (12) days, before ever seeking a warrant,

the government violated her right to be free from unreasonable searches and seizures. Even "a seizure lawful at its inception can nevertheless violate the Fourth Amendment because its manner of execution unreasonably infringes possessory interests protected by the Fourth Amendment's prohibition on "unreasonable searches". United States v. Jacobsen, 466 U.S. 109, 124, 104 S. Ct. 1652 (1984).

Thus, "even a seizure based on probable cause is unconstitutional if the police act with unreasonable delay in securing a warrant." United States v. Martin, 157 F.3d 46, 54 (2d Cir. 1998); see also United States v. Respress, 9 F.3d 483, 488 (6th Cir. 1993) (even with the existence of probable cause to effect a seizure, the duration of the seizure pending the issuance of a search warrant must still be reasonable.") The Supreme Court has held that after seizing an item, police must obtain a search warrant within a reasonable period of time. See, e.g. Segura v. United States, 468 U.S. 796, 812, 104 S. Ct 3380, 82 L. Ed. 2d 599 (1984) ("A seizure reasonable at its inception because based on probable cause may become unreasonable as a result of its duration.") A smart phone, as the Supreme Court recently emphasized, is unique in both the breadth and depth of personal information it stores, including "photographs, picture messages, text messages, internet browsing history, a calendar, thousand-entry phone book" information that all told, "reveal much more in combination than any isolated record." Riley v. California, 573 U.S. 373, 394, 134 S. Ct. 2473, 189 L. Ed 26 430 (2014). After seizing an item without a warrant, an officer must make it a priority to secure a search warrant that complies with

the Fourth Amendment. When an officer waits an unreasonably long time to obtain a search warrant, in violation of the Fourth Amendment, he cannot seek to have evidence admitted simply by pointing to that late obtained warrant. The Fourth Amendment imposes a time-sensitive duty to diligently apply for a search warrant if an item has been seized for that very and all the more so if the item has been warrentlessly seized. Law enforcement may not overlook this duty to attend to other matters for which the Constitution imposes no such time-sensitive duty unless there are important reasons why other matters must take priority. If the police have seized a person's property for the purpose of applying for a warrant search its content, it is reasonable to expect that they will not ordinarily delay two weeks or more before seeking a search warrant. If police have probable cause to seize an item in the first place, there is little reason to suppose why they cannot promptly articulate that probable cause in the form of an application to a judge for a search warrant.

For probable cause to exist, however, the information supporting of the government's application for a search warrant must be timely, for probable cause must exist when the magistrate judge issues the search warrant. See Sgro v. United States, 287 U.S. 206, 210, 53 S. Ct. 138, 140, 77 L. Ed. 260 (1932). The information contained in the search warrant was stale because it failed to provide a specific reason based on recent facts for suspecting Lawson cell phone would contain evidence of the suspected crime. It is not sufficient that the affidavit contains probable cause to show a crime was committed, it must also link the item to be

searched to the suspected crime. The information linking the item to be searched to the suspected crime cannot be stale.

On August 23, 2021, Ms. Lawson filed a Motion to Suppress evidence obtained or derived from her phone. The motion argued, under United States v. Mitchell, 565 F.3d 1347(11th Cir. 2009), that there was an unreasonable delay in between seizure of the phone on March 18, 2021, when she was arrested and March 31, 2021, when the judge signed the search warrant. Lawson asked the court to find that the search of her cell phone was unlawful for two reasons. First, the delay between seizing her cell phone and obtaining a search warrant was unreasonable and violated her right to be free from unreasonable searches and seizures. Second, the information contained in the search warrant application was too stale to justify the issuance of the search warrant. Ultimately, however, even stale information is not fatal if the government affidavit update, substantiates, or corroborates the stale material. See Bascaro, 742 F.2d at 1346.

On October 6, 2021, the court held an evidentiary hearing on Lawson's motion. Agent Daryl Greenberg testified at the hearing on direct that he has been a Postal Inspector for The United States Postal Service for over 18 years, and prior to that a Police Officer in South Carolina for approximately (8) eight years. He explained he have extensive time working mail theft, extensive time investigating violent crime, but for the majority of his eighteen (18) years, he has been working fraud both international and domestic. Greenberg testified he was the lead case agent assigned to the case and he "orchestrated a ten-person arrest operation simultaneously in five different

states" and organized more than 45 agents in operation, in relation to the case. Greenberg testified he created a chart detailing his actions which was used and entered as evidence to justify the government's delay in obtaining a search warrant to search Lawson cell phone. The relevant portion of the chart states on Thursday March 18, 2021, "Inv. Greenberg is the sole case agent assigned to the case, (Sole defined, Single, Only). He testified that he was the lead case agent assigned to the case and he explained that this was not a simple investigation. On direct he testified that his prime concern was trying to locate and lockdown that money, it became a prime concern of mine during that time. The cell phone was secure in evidence, and the money was not secured, therefore my greatest attention was focused on locking down that currency that, hopefully would be seized. He stated his attention was directed towards Lawson's bank accounts, that took his attention away from completing the search warrant.

Through Lawson's lengthy cross-examination of Agent Greenberg at the hearing he testified that a week prior to Lawson's arrest he learned that there was new information that new fraud was being committed, primarily that week before the arrest warrants. He stated that he told the agent if he was able to locate Lawson's cell phone, secure that phone for me, that he would be able to begin work on a seizure warrant if a phone was identified. Greenberg explained that he was interested in Lawson's cell phone because of new information he learned about a week prior to Lawson's arrest. Greenberg testified that he decided to ask the agent to look for Lawson's cell phone, and I'll get the warrant for it. The government

had interest in Lawson's cell phone a week prior to her arrest and their need for the search warrant did not just arise until Lawson's arrest on March 18, 2021, therefore Greenberg had time to secure a warrant for Lawson's phone prior to her arrest.

Lawson, argued that the "bulk" of the search warrant application was copied and pasted from other sources, such as the indictment, boilerplate language, other co-conspirator's search warrant application's or was based on information that Greenberg would have had prior to Lawson's arrest. Given the paucity of new information that appeared in the search warrant, and that the 20-page application contained "less than three double-spaced pages of original content", should not have taken Greenberg as long as it did to prepare the search warrant affidavit. The twelve-day delay in obtaining the search warrant is unreasonable. A well trained Agent with over 18 years of experience is presumed to be aware that a seizure must last no longer than reasonably necessary for the police, acting with diligence, to obtain a warrant. Following the hearing, the District Court denied Lawson's motion to suppress.

On February 2, 2022, Magistrate Judge Russell G. Vineyard filed a report, recommendation, and order which recommended that Lawson's motion to suppress be denied. On February 16, 2022, Ms. Lawson filed objections to the Magistrate's recommendation that her motion to suppress evidence from her phone be denied. The report and recommendation states that Lawson's possessory interest in the phone was significantly diminished (and thus weighs this factor in favor of the government) because her phone was "dead and not operational" at the time of the seizure and because she did not request the

return of her phone. As to the second factor, the magistrate found that the delay in obtaining the search warrant was not unreasonable in light of Inspector Greenberg's testimony about the other activities he was undertaking during the twelve-day period between the seizure of the phone and the application for a search warrant. Finally, the magistrate weighed the fourth factor strongly in favor of the government because it had a legitimate interest in holding the property as evidence.

The fact that Ms. Lawson's phone was "dead" at the time it was seized should not be interpreted to mean her possessory interest in the phone was lessened. Even a "dead" cell phone contain a vast amount of personal and private information. If the phone had been wiped or was brand new (and thus wouldn't have as much data on it), there may be an argument that someone's possessory interest in the phone would be lessened. There was no evidence provided by the government that Lawson had deleted any information from the phone.

The magistrate's report states that Lawson's phone was "dead and not operational." Greenberg testified that the phone was "dead". However, Lawson argued that this court should not accept the testimony that the phone was not operational". Given the fact that a person's cell phone contains a "digital record of nearly every aspect" Riley, at 375, of their life, the detention of their cell phone constitutes the same significant interference with their possessory interest as the detention of a computer. The delay in this case also constituted a significant interference with Ms. Lawson's possessory interest in her phone and was unreasonable.

To argue that her possessory interest in the phone was

diminished, the government argues that Lawson never requested that her phone be returned. The magistrate's report cites to United States v. Brantley, 1:17-cr-77-WSD, 2017 WL 5988833 (N.D. Ga. Dec. 4, 2017) describing the twelve-day delay between seizure of the phone and submission of the search warrant affidavit as "relatively short. The Brantley case, cites to Thomas v. United States, 775 Fed. Appx. 477 (11th Cir. 2017), and United States v. Morgan, 713 Fed. Appx. 829 (11th Cir. 2017)(unpublished) as support for the finding that Ms. Lawson's possessory interest in her cell phone was significantly diminished because she never asked for the return of her phone. The Brantley decision cites to United States v. Stabile, 633 F.3d 219 (3d Cir. 2011) to support the finding that the failure to request the return of property should diminish someone's possessory interest in the phone. The Stabile case and the Thomas case have an important fact that is distinguishable from Ms. Lawson's case; which is that the items were seized a long time before formal charges were brought against those defendant's. If property is seized before an indictment has been returned, for in the Stabile case even before he was arrested, it makes more sense to put the onus on the defendant to request the return of their property. In Thomas, the property in question was seized on July 21, 2012, but he was not indicted until September of 2013, In Stabile, the property was seized on July 24, 2006, but he was not arrested or indicted until October 10, 2007. The Thomas opinion does not set forth enough facts to determine the time frame between seizure of the property and arrest or indictment. It does note though, that the defendant retained a possessory interest in

his cell phone and the government's interference with that possession was substantial, as they held his cell phone for seventeen (17) days without his consent. Id. at 831.

Further elaborating on the possessory interests, individuals have in their phones, without noting a defendant's need to request their phone or property back in order to signify a strong possessory interest, the United States Supreme Court explained that "cell phones... place vast quantities of personal information literally in the hands of individuals." Riley v. California, 573 U.S. 373, 386 (2014). Lawson argued even if she did not request her phone back, this did not diminish her possessory interest in the phone as Ms. Lawson's phone stores a vast amount of personal and private information, and therefore the seizure of a phone, even if its battery is not charged at the time of its seizure or was not operational, constitutes a significant interference with the owner's and Ms. Lawson's, interest in the phone.

Lawson argued that the search of her phone was unconstitutional because (1) cell phones store a vast amount of personal and private information, regardless of whether its operational, which strengthens her possessory interest in the phone; (2) the search warrant affidavit contained largely duplicative information that was already found in the indictment, the delay in seeking the search warrant was unreasonable; (3) Lawson did not consent to the seizure of her phone, so her failure to request the return of her phone should not be interpreted as a neutral factor in the government's favor; and (4) even if the fourth factor is weighed in favor of the government, the Court should still find that the

unreasonable delay merits the suppression of any evidence seized or derived from the cell phone. On March 30, 2022, the District Court adopted the Magistrate's report and recommendation over Lawson's objections.

On March 28, 2023 Lawson's jury trial commenced, on March 31, 2023, Lawson was found guilty on all 13 counts. Lawson was convicted and sentenced for counts 1-13. She was sentenced to 135 months(11 years and 3 months) in the FBOP for counts 1-12 and 120 months (10 years) for count 13, and to be served concurrently. A supervised release term of 3 years was ordered as to counts 1-9 and 12-13, and a supervised release term of 5 years was ordered as to counts 10 and 11, to run concurrently for a total of 5 years. Lawson was ordered to pay a restitution amount of \$2,279, 664.00. On February 22, 2024, Lawson filed a notice of appeal.

2. Direct Appeal

On direct appeal, Lawson renewed her argument that the District Court erroneously denied her motion to suppress evidence obtained from her phone as the government's delay in obtaining a search warrant and conducting the search violated her Fourth Amendment rights. The government asserts that the court did not err in finding that the twelve-day delay in obtaining the search warrant was reasonable because the record showed that the case agent had worked diligently. However, Lawson asserts "there was no compelling justification for the delay" as the search warrant could have been obtained if the government had acted diligently. United States v. Mitchell, 565 F.3d, 1347, 1351-52 (11th Cir. 2009). In Mitchell, this

Court highlighted the importance of avoiding unreasonable delays when obtaining a search warrant and conducting a search.

Nonetheless, the Eleventh Circuit held that the three-week delay in obtaining a search warrant was unreasonable, and that the evidence obtained from the hard drive should have been suppressed. Id. at 1352. Lawson argued in the instant case, there is no evidence that the agents attempted or planned to obtain a search warrant sooner, nor is there evidence that any external factors caused the delay. The agents failed to work diligently on Ms. Lawson's matter. The government argued that the two-week delay was justified because the agent diligently prepared the affidavit (among other things), the cell phone search warrant affidavit contained largely duplicative information that was already found in the indictment, thus, it should not have taken two weeks and the delay in seeking the search warrant was unreasonable.

The government contends that the Court properly identified and assessed the factors pronounced in United States v. Laist that courts consider when determining whether the government unreasonably delayed in securing a search warrant. However, Lawson argued that the Court erred in making its findings. "A temporary warrantless seizure supported by probable cause is reasonable as long as 'the police diligently obtained a warrant in a reasonable period of time.'" United States v. Laist, 702 F.3d 608, 613 (11th Cir. 2012) (quoting Illinois v. McArthur, 531 U.S. 326, 334, 121 S. Ct. 946, 951-52, 148 L.Ed.2d 838 (2001)). In United States v. Laist, this circuit acknowledged that "computers are a unique possession, one in which

individuals may have a particularly powerful possessory interest", because they store "personal letters, email, financial information, passwords, family photos, and countless other items of personal nature". 702 F.3d 608, 614 (11th Cir. 2012).

The government states that under Laist and Mitchell, the District Court did not clearly err in finding that the government did not unreasonably delay obtaining a search warrant for Lawson's cell phone. Lawson maintains that while this circuit has found a ten-day delay reasonable where it was caused by the defendant's withdrawal of consent after seizure, where the application was complex, and where only one agent was available to prepare it in the geographic area, United States v. Laist, 702 F.3d 608, 617-18 (11th Cir. 2012. Law enforcement delay in Lawson's case was much more like the situation presented in Mitchell where "there was no compelling justification for the delay" as the search warrant could have been obtained if the government had acted diligently. Mitchell, 565 F.3d at 1351-52.

In a non-published opinion, the Eleventh Circuit Court of Appeals concluded that the District Court did not err in denying Lawson's motion to suppress because the 12-day delay between the seizure of Lawson's phone was the completion of the search warrant application was not unreasonable under the totality of the circumstances. The court agree that Lawson had a heightened possessory interest in her cell phone and that the government significantly interfered with that interest when it seized the phone. See Riley 573 U.S. at 403 (emphasizing

that the seizing of modern-day cell phones raises significant Fourth Amendment concerns due to the amount of personal and private information that are typically stored on the phones). The court however, concluded that the weight of this factor in the balancing calculus is diminished by the fact that Lawson never requested that the phone's return during that 12-day period. See United States v. Johns, 469 U.S. 478, 487 (1985) (reasoning that the defendants failed to demonstrate that the governments conduct relating to the search of their property adversely affected their possessory interests protected by the Fourth Amendment where they "never sought return of the property") United States v. Stabile, 633 F.3d 219,235 (3rd Cir. 2011) (concluding three-month delay in obtaining a warrant, caused by the lead agent's assignment on a protective Secret Service detail, was reasonable where the defendant did not request return of his hard drive until 18 months after the initial seizure).

Additionally, the court agree with the district court that Inspector Greenberg acted diligently in obtaining the warrant. The court held that Greenberg testified that: (1) he was the sole agent working on a complex fraud investigation involving the arrest of ten people across multiple states; (2) he worked on numerous other warrants and case documentation issues during the alleged period of delay, including handling the subpoenas and warrant for Lawson's bank accounts upon learning that Lawson was moving money following her arrest; and (3) he sent a draft of the search warrant application to the U.S. Attorney's Office within a week of the seizure. The court

concluded that all of those factors weigh heavily in favor of the conclusion that Inspector Greenberg acted diligently. The court went on to hold that Lawson contends that her case is similar to that of Mitchell, but her argument is unpersuasive. The court went on to hold that unlike in Mitchell, they believe that Lawson's case presents a circumstance where "the resources of law enforcement [were] simply overwhelmed by the nature of [the] particular investigation," such that the 12-day delay in this case was reasonable. Id. at 1353. The court concluded that, Inspector Greenberg was the sole agent working on this complex fraud scheme investigation involving ten defendants scattered throughout the country, and many things came up during that 12-day delay that necessitated the diversion of Inspector Greenberg's attention from preparing the search warrant for Lawson's phone.

The court therefore concluded that, under the totality of the circumstances, the delay in this case between the seizure of Lawson's cell phone and the application of the search warrant was reasonable, and the district court did not err in denying Lawson's motion to suppress.

REASONS FOR GRANTING THE PETITION

The Court should grant this petition because this case squarely presents an important and recurring constitutional question regarding the scope of the Fourth Amendment's protection in the digital age. This case also presents an entrenched and consequential circuit split regarding the Fourth Amendment's protections against unreasonable searches and in the context of law enforcement's warrantless seizure of cell phones and delayed acquisition of search warrants. The question whether law enforcement may seize a cell phone from a private space, absent exigent circumstances and without consent, and then delay unreasonably in seeking a warrant to search it implicates fundamental constitutional rights in the digital age. The circumstances here illustrate why this Court's intervention is necessary to resolve deep conflicts among the circuits and to safeguard core constitutional rights.

First, the seizure itself raises substantial constitutional concerns. the cell phone at issue was taken from a private closet during a lawful arrest, without a warrant, without the individual's consent, and without any exigent circumstances. This Court has recognized in Riley v. California, 573 U.S. 373 (2014), that cell phones "hold for many Americans the privacies of life" and therefore demand heightened Fourth Amendment protection. Extending Riley's, reasoning, the warrantless seizure of such a device from the sanctuary of a private closet, without any exigency, intrudes upon both privacy and possessory interests that the Fourth

Amendment is designed to protect.

Second, even if the initial seizure were considered lawful, the government's unreasonable delay in obtaining a warrant independently violated the Fourth Amendment. Here, the U.S. Postal Inspection Service Agent Daryl Greenberg waited twelve days before seeking judicial authorization to search the phone, offering only "ministerial" and administrative" explanation for the delay. This Court and several circuits have held that a seizure lawful at its inception may become unlawful if the government does not act with diligence and promptness in obtaining a warrant. See e.g., Illinois v. McArthur, 531 U.S. 326 (2001).

Third, there is an entrenched circuit split on this issue. The Fourth and the Eleventh Circuits have adopted conflicting approaches. In United States v. Pratt, 915 F.3d 266, 272-73 (4th Cir. 2019), the Fourth Circuit emphasized that prolonged and unjustified delays in obtaining a search warrant for seized cell phones violate the Fourth Amendment when the government offers only ministerial and administrative justifications. In contrast, in United States v. Mitchell, 565 F.3d 1347, 1352 (11th Cir. 2009), the Eleventh Circuit upheld the seizure of a cell phone from a private space during a lawful arrest and allowed the government significant leeway in delaying the acquisition of a warrant. This inconsistency creates uncertainty about whether identical conduct by law enforcement will be deemed constitutional depending solely on geography. The inconsistency is deepened by cases such as United States v. Morgan, 713 F.3d 1365 (11th Cir. 2013), where courts have permitted warrantless seizures under broad rationales, thereby

eroding the principle that the seizure of private digital property demands prompt judicial oversight. By contrast, other circuits, following Pratt, demand strict adherence to promptness standards and reject administrative delay as sufficient justification, demanding that delays be justified by genuine investigative needs, not bureaucratic inertia, and the First Circuit also scrutinizes administrative delays.

Finally, the facts here highlight the broader stakes. Lawson not only had her phone seized from a private closet without judicial oversight, but she was also pressured to disclose her password and refused, a choice squarely within her constitutional rights. Allowing the government to then sit on the device for nearly two weeks without justification risks eroding both the protections recognized in Riley and the principle that judicial warrants must be pursued with diligence.

The current split produces inconsistent outcomes across jurisdictions, undermining the uniform application of the Fourth Amendment to digital data in cell phones. A decision would reduce litigation, provide clear guidance to law enforcement, and prevent unwarranted seizures and searches that compromise privacy. Cell phones contain extensive personal data private spaces, such as (closet) may reveal even more sensitive information, and the privacy interest is heightened when the seizure occurs without consent and without exigent circumstances. Without a uniform standard, law enforcement procedures vary widely, creating confusion and potential constitutional violations or suppression orders.

The District Court denied Lawson's motion to suppress, and the Eleventh Circuit affirmed, reasoning that the government had not erred in delaying because the agent acted "diligently" and that Lawson had not requested the return of her phone. This ruling is in tension with both this Court's precedent and decisions from other circuits.

In Riley v. California, 573 U.S. 373 (2014), this Court recognized that cell phone are unique devices that hold the "privacies of life" and thus require robust Fourth Amendment protection. The Fourth Circuit in United States v. Pratt, 915 F.3d 266 (4th Cir. 2019), applied this principle, holding that a 31-day delay in seeking a warrant was unconstitutional when the government offered only administrative reasons. Similarly, in United States v. Respress, 9 F.4th 1369 (11th Cir. 2021), the Eleventh Circuit itself acknowledged that the government must show diligence and valid justification for any delay post-seizure. Yet here, the Eleventh Circuit disregarded that principle, permitting a 12-day delay justified only by routine ministerial explanations.

Further, reliance on United States v. Mitchell, 565 F.3d 1347 (11th Cir. 2009), underscores the circuit split. Mitchell allowed a 21-day delay, emphasizing government burdens and deference to investigative needs. But Pratt explicitly rejected this lenient approach, requiring promptness and disallowing administrative excuses. United States v. Morgan, 713 F.3d 1365 (11th Cir. 2013), similarly tolerated warrantless seizures under broad rationales, deepening the inconsistency. The Eleventh Circuit additional rationale that Lawson failed to request return of the phone misconstrues Fourth Amendment

doctrine. The constitutional violation arises from the government's unreasonable retention and delay, not from whether Lawson affirmatively demanded return of her property. To condition constitutional protections on such a request undermines the very core of the Amendment's safeguards.

Thus, this case highlights the pressing need for this Court to resolve the conflict among the circuits and to reaffirm that the Fourth Amendment requires both a warrant for access to digital devices and prompt action by the government once such a device has been seized. Allowing routine administrative delay erodes the protections recognized in Riley and creates a patchwork of constitutional rights dependent on geography. The seizure and delayed search of Lawson's phone in this case exemplify why uniform guidance from this Court is necessary.

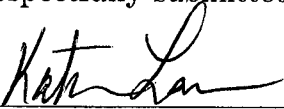
The Court faulted Lawson for not requesting return of her phone. But constitutional rights do not depend on affirmative demands by citizens. The Fourth Amendment requires the government to justify its conduct, not for the individual to invoke protections through request.

For the foregoing reason, Court should grant the petition for a Writ of Certiorari and hold that the seizure and delayed search of Lawson's cell phone violated the Fourth Amendment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: September 17, 2025