

No. 25-629

In the Supreme Court of the United States

BILLY PUCKETT, PETITIONER

v.

UNITED STATES OF AMERICA

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT*

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTION PRESENTED

Whether petitioner's traffic stop was not unreasonably prolonged.

PARTIES TO THE PROCEEDING

Petitioner is Billy Puckett. Respondent is the United States of America.

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-19a) is reported at 139 F.4th 730. The order of the district court (Pet. App. 20a-21a) and the report and recommendation of the magistrate judge (Pet. App. 22a-46a) are available at 2022 WL 9497227.

JURISDICTION

The judgment of the court of appeals was entered on June 11, 2025. A petition for rehearing was denied on July 29, 2025 (Pet. App. 47a-51a). On October 23, 2025, Justice Kavanaugh extended the time within which to file a petition for a writ of certiorari to and including November 26, 2025, and the petition was filed on that date. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a bench trial in the United States District Court for the Western District of Missouri, petitioner was convicted on one count of receiving child pornography, in violation of 18 U.S.C. 2252(a)(2) and (b)(1). Pet. App. 5a. The district court sentenced petitioner to 210 months of imprisonment, to be followed by 20 years of supervised release. *Ibid.*; Judgment 3. The court of appeals affirmed. Pet. App. 1a-19a.

1. On August 28, 2020, Missouri State Highway Patrol Trooper James Rorie stopped petitioner's truck for two traffic violations: failure to wear a seatbelt, and improper display of a disability placard. Pet. App. 2a; see *id.* at 23a. Trooper Rorie approached the truck, explained the reasons for the stop, and asked petitioner about his trip. *Id.* at 2a. He also asked whether petitioner had been arrested; petitioner admitted that he had been convicted of statutory rape and was a registered sex offender. *Ibid.* Trooper Rorie then asked petitioner to join him in the patrol car while he confirmed petitioner's license and registration, and petitioner agreed. *Ibid.*

In the patrol car, Trooper Rorie checked petitioner's criminal history, including information about his sex offender registration. Pet. App. 2a. The check revealed that petitioner had not registered any social media accounts on his registration. *Ibid.* While the records check was ongoing, Trooper Rorie and petitioner discussed petitioner's statutory rape conviction. *Ibid.* The records check showed that petitioner's license was valid. *Ibid.* Then, in an exchange lasting around 20 seconds, Trooper Rorie asked petitioner if he had anything illegal on him or in his vehicle like drugs or stolen items. *Ibid.* Petitioner replied that he did not. *Ibid.* Trooper

Rorie requested consent to search petitioner's truck, and petitioner agreed without delay. *Id.* at 2a-3a.

During the search of petitioner's truck, Trooper Rorie saw a cell phone on the driver's seat. Pet. App. 3a. The cell phone illuminated when Trooper Rorie picked it up, and he saw icons for social media applications on the phone. *Ibid.* Trooper Rorie asked petitioner whether he had anything illegal on the phone. *Ibid.* Petitioner stated that he had some "animated images." *Ibid.* (citation omitted). Trooper Rorie asked for consent to search the phone, and after some discussion, petitioner consented to a search of the phone. *Id.* at 3a-4a. During that search, Trooper Rorie saw an image that he suspected was child pornography. *Id.* at 4a.

Trooper Rorie arrested petitioner and questioned him about the suspected pornographic images. Pet. App. 4a. During a subsequent interview at a police station, which was accompanied by *Miranda* warnings, petitioner admitted to possessing child pornography. *Id.* at 5a. Trooper Rorie thereafter obtained a search warrant for the phone, which led to the discovery of multiple images and at least one video of child pornography. *Ibid.*

2. A federal grand jury charged petitioner with one count of receiving child pornography, in violation of 18 U.S.C. 2252(a)(2) and (b)(1). Pet. App. 5a. Petitioner filed a pretrial motion to suppress the evidence found on his cell phone and his pretrial statements. *Ibid.* A magistrate judge held a hearing on the motion to suppress and recommended that the motion be denied. *Ibid.*; see *id.* at 22a-46a.

The magistrate judge explained, *inter alia*, that Trooper Rorie did not unduly prolong the traffic stop in violation of the Fourth Amendment. Pet. App. 29a-34a.

The magistrate judge observed that even if Trooper Rorie's questions to petitioner about his criminal history were unrelated to the initial purpose of the traffic stop, they "occurred concurrently with the investigation of the traffic stop." *Id.* at 31a. And the magistrate judge found that "during the first 5 minutes of the stop, Officer Rorie diligently sought information related to the traffic violation, and any unrelated inquiries occurred concurrently with the investigation of the traffic stop, and thus, did not improperly extend the duration of the stop." *Id.* at 32a. The magistrate judge also determined that the vehicle search did not unreasonably extend the traffic stop because it was based on petitioner's consent. *Id.* at 32a-33a.

The district court adopted the magistrate judge's report and recommendation. Pet. App. 5a; see *id.* at 20a-21a. Petitioner waived his right to a jury trial and was tried at a bench trial. *Id.* at 5a. The district court convicted petitioner and sentenced him to 210 months of imprisonment, to be followed by 20 years of supervised release. *Ibid.*; Judgment 3.

3. The court of appeals affirmed. See Pet. App. 1a-19a. Among other things, the court rejected petitioner's argument that, before petitioner consented to a search, Trooper Rorie had "unlawfully extended the stop" by 20 seconds when he asked petitioner whether he had anything illegal in his truck. *Id.* at 5a, 8a-9a. Quoting this Court's decision in *Rodriguez v. United States*, 575 U.S. 348 (2015), the court explained that while officers may pursue certain unrelated investigations "during an otherwise lawful traffic stop," they "may not do so in a way that prolongs the stop, absent * * * reasonable suspicion." Pet. App. 6a-7a (quoting *Rodriguez*, 575 U.S. at 355). And, applying that standard, the court found that,

on the facts of this case, Trooper Rorie’s questions did not “prolong the stop beyond the time needed to complete the remaining tasks of the traffic stop.” *Id.* at 9a.

The court of appeals observed that, at the time of Trooper Rorie’s questioning, “the traffic stop’s purpose remained incomplete” because “Trooper Rorie had not issued him a warning or citation related to the traffic infractions, and [petitioner] had not returned to his vehicle.” Pet. App. 8a. And the court determined that “[t]he brief duration of the inquiry within the reasonable period of the traffic stop’s original purpose did not impermissibly prolong it.” *Id.* at 9a. In particular, the court found that “[t]he 20 seconds of questioning did not prolong the stop beyond the time that it would have taken Trooper Rorie to issue a written citation or warning and have [petitioner] return to his vehicle.” *Ibid.*

The court of appeals recognized that, under *Rodriguez*, officers “cannot gain ‘bonus time’ by ‘completing all traffic-related tasks expeditiously’” or “pursue an unrelated criminal investigation under the guise that ‘the overall duration of the stop remains reasonable.’” Pet. App. 9a (quoting *Rodriguez*, 575 U.S. at 357). And the court made clear that its rejection of petitioner’s argument was not based on a conclusion that “Trooper Rorie’s questioning” occurred “within the duration of an average stop.” *Ibid.* The court explained that Trooper Rorie’s questioning instead “passe[d] constitutional muster because, in compliance with *Rodriguez*, it was completed within the duration of when ‘tasks tied to the traffic infraction [were]—or reasonably should have been—completed.’” *Ibid.* (quoting *Rodriguez*, 575 U.S. at 354) (second set of brackets in original).

4. The court of appeals denied a petition for panel or en banc rehearing. See Pet. App. 47a. Judge Kelly and

Judge Grasz would have granted rehearing en banc. *Ibid.* Judge Grasz, writing solely for himself, took the view that the panel decision had deviated from *Rodriguez* and the approaches of other circuits. *Id.* at 47a-51a. In his view, Trooper Rorie had violated the Fourth Amendment because he “paused his duties related to the purpose of the stop and began a new criminal investigation.” *Id.* at 50a.

ARGUMENT

Petitioner renews his contention (Pet. 7-22) that Trooper Rorie impermissibly prolonged an otherwise lawful stop. The court of appeals correctly rejected that contention, and its factbound decision does not conflict with any decision of this Court or another court of appeals. This Court has repeatedly denied review in other cases presenting similar claims. See, e.g., *Gholston v. United States*, 142 S. Ct. 1421 (2022) (No. 21-6150); *Banks v. United States*, 141 S. Ct. 1078 (2021) (No. 20-5074); *Lawson v. United States*, 586 U.S. 1226 (2019) (No. 18-6310); *Frierson v. United States*, 577 U.S. 1145 (2016) (No. 15-6448). It should follow the same course here.

1. In *Rodriguez v. United States*, 575 U.S. 348 (2015), this Court held that “absent reasonable suspicion” that the motorist is engaged in other criminal activity, a traffic stop “may ‘last no longer than is necessary to effectuate’” its mission. *Id.* at 353-354 (quoting *Florida v. Royer*, 460 U.S. 491, 500 (1983) (plurality opinion)). The Court explained that “[b]eyond determining whether to issue a traffic ticket, an officer’s mission includes ‘ordinary inquiries incident to [the traffic] stop,’” 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.” *Rodriguez*, 575 U.S. at 355 (second set of brackets in original) (quoting *Illinois v. Caballes*, 543 U.S. 405, 408 (2005)). And it includes the security precautions necessary “to complete [the] mission safely.” *Id.* at 356.

The Court also made clear that “the Fourth Amendment tolerate[s] certain unrelated investigations” and “checks during an otherwise lawful traffic stop,” as long as they do not “measurably extend the duration of the stop” “beyond the time reasonably required to complete the mission” of the traffic stop. *Rodriguez*, 575 U.S. at 354-355 (quoting *Arizona v. Johnson*, 555 U.S. 323, 333 (2009) and *Caballes*, 543 U.S. at 407) (brackets omitted). Accordingly, in applying *Rodriguez*, courts of appeals have recognized that a police officer does not measurably prolong a traffic stop by undertaking an unrelated investigation “contemporaneously with an officer’s pursuit of the traffic-based mission of the stop.” *United States v. Baker*, 108 F.4th 1241, 1251 (10th Cir. 2024). Instead, “off-mission” inquiries into crime in general do not violate the Fourth Amendment if they do not add time to the stop because the officer was simultaneously furthering the mission of the traffic stop. *United States v. Ross*, 151 F.4th 487, 498-499 (3d Cir. 2025); see, e.g., *United States v. Steinman*, 159 F.4th 550, 563-565 (9th Cir. 2025); *United States v. Hill*, 852 F.3d 377, 382-384 (4th Cir. 2017).

2. The petition in this case does not dispute that it was constitutional for Trooper Rorie to ask him questions while the check of petitioner’s license and registration records was ongoing, or claim that the consent-based search of the truck unlawfully extended the seizure. Instead, petitioner raises (Pet. 20-21) only the narrow question whether—in the time between the

record check's completion and his grant of consent to search the truck—Trooper Rorie impermissibly lengthened the stop by “20 seconds” when he asked petitioner if there was anything illegal in the truck.

The court of appeals correctly found that, under the particular facts here, Trooper Rorie’s “20 seconds of questioning” did not measurably “prolong the stop.” Pet. App. 9a. The court explained that, “at the moment the computer system notified Trooper Rorie that [petitioner’s] license was valid,” “the traffic stop’s purpose remained incomplete.” *Id.* at 8a. At that time, “Trooper Rorie had not issued him a warning or citation related to the traffic infractions, and [petitioner] had not returned to his vehicle.” *Ibid.* And “[t]he 20 seconds of questioning did not prolong the stop beyond the time that it would have taken Trooper Rorie to issue a written citation or warning and have [petitioner] return to his vehicle.” *Id.* at 9a.

The court of appeals correctly determined that, under those circumstances, the questioning “was completed within the duration of when” the stop both was in fact, and “‘reasonably should have been,’” completed. Pet. App. 9a. (quoting *Rodriguez*, 575 U.S. at 354); see *id.* at 32a (magistrate judge’s conclusion that “any unrelated inquiries occurred concurrently with the investigation of the traffic stop”). That factbound determination—reached by both courts below—does not warrant this Court’s review. See *United States v. Johnston*, 268 U.S. 220, 227 (1925) (“We do not grant a certiorari to review evidence and discuss specific facts.”); see also *Kyles v. Whitley*, 514 U.S. 419, 456-457 (1995) (Scalia, J., dissenting) (observing that under “the ‘two-court rule,’ the policy [in *Johnston*] has been applied with particular rigor when [the] district court and

court of appeals are in agreement as to what conclusion the record requires”) (citing *Graver Tank & Mfg. Co. v. Linde Air Prods. Co.*, 336 U.S. 271, 275 (1949)).

Petitioner contends (Pet. 19) that *Rodriguez* rejected a rule that “*de minimis*” or “reasonable” extensions of a stop are permissible, 575 U.S. at 356-357, and asserts (Pet. 20) that the court of appeals effectively adopted such a rule by stating that “[t]he brief duration of the inquiry within the reasonable period of the traffic stop’s original purpose did not impermissibly prolong” the stop, Pet. App. 9a. But the court of appeals expressly disclaimed that reading of its decision. See *ibid.* Citing the relevant passages in *Rodriguez*, the court explained that “Trooper Rorie’s questioning is lawful not because he did so within the duration of an average stop” but “because, in compliance with *Rodriguez*, it was completed within the duration of when ‘tasks tied to the traffic infraction [were]—or reasonably should have been—completed.’” *Ibid.* (quoting *Rodriguez*, 575 U.S. at 354) (brackets in original). Specifically, “Trooper Rorie had not completed his traffic-stop related duties when he requested consent to search,” and the prior “20 seconds of questioning” that petitioner challenges “did not prolong the stop beyond the time that it would have taken Trooper Rorie to issue a written citation or warning and have [petitioner] return to his vehicle.” *Ibid.*

Petitioner emphasizes *Rodriguez*’s statement that the “critical question * * * is not whether the [investigation] occurs before or after the officer issues a ticket, * * * but whether conducting the [investigation] ‘prolongs’—*i.e.*, adds time to—‘the stop,’” 575 U.S. at 357 (citation omitted), and he argues (Pet. 20-21) that the court of appeals departed from that instruction by “treating as dispositive that Trooper Rorie had not written a citation

and asked unrelated investigatory questions in a time period shorter than it would have taken to write a citation.” The court of appeals’ reliance on those facts is an application of *Rodriguez*, not a departure.

Those facts—that the citation had not been issued and the questioning did not take longer than the reasonable time it would have taken to end the stop (had petitioner not consented to a search)—go directly to whether the questioning “add[ed] time” to the stop. *Rodriguez*, 575 U.S. at 357. This is neither a case like *Rodriguez*, in which the Court found a Fourth Amendment violation where investigatory activity was “conducted after completion of a traffic stop,” *id.* at 350, nor a case in which “tasks tied to the traffic infraction * * * reasonably should have been” completed sooner, *id.* at 354. Instead, based on the factual findings below, it is simply a case in which Trooper Rorie lawfully “conduct[ed] certain unrelated checks during an otherwise lawful traffic stop.” *Id.* at 355.

3. Petitioner errs in asserting (Pet. 8) that the decision below conflicts with decisions in “two courts of appeals and a state supreme court.” In *United States v. Clark*, 902 F.3d 404 (3d Cir. 2018), for example, the government “d[id] not contest that the [officer’s] criminal history questions prolonged the stop—it argue[d] only that the questions were in fact related to the stop’s mission.” *Id.* at 410 n.2. And the Third Circuit has elsewhere recognized that “off-mission questions designed to uncover unrelated criminal conduct are nevertheless permitted, even without reasonable suspicion, when they do not meaningfully ‘lengthen the roadside detention,’” *Ross*, 151 F.4th at 499 (quoting *Rodriguez*, 575 U.S. at 354), such as “when the investigatory questioning occurs ‘simultaneously with tasks that fall within the

mission of the traffic stop,’” *ibid.* (brackets and citation omitted).

Similarly, neither the Eleventh Circuit’s decision in *United States v. Campbell*, 26 F.4th 860 (en banc), cert. denied, 143 S. Ct. 95 (2022), nor the Supreme Court of Idaho’s decision in *State v. Karst*, 509 P.3d 1148 (2022), would require a different result in this case. In *Campbell*, the Eleventh Circuit found that an officer had “extended [a] stop” when he had ceased his traffic stop-related duties “[a]s he wrote up the warning” and instead questioned the motorist about potential contraband. 26 F.4th at 866, 885. And in *Karst*, the officer took a “detour” to request a drug-dog unit “instead of continuing activities related to the traffic stop’s mission,” which “added time to, or prolonged, completing the original purpose for the stop.” 509 P.3d at 1156. In contrast, both courts below determined that Trooper Rorie’s questions did not extend the stop longer than it would have taken the officer to complete his remaining tasks had petitioner not consented to a search. See Pet. App. 9a, 32a.

Petitioner’s citation (Pet. 10-11) of other court of appeals decisions is misplaced for many of the same reasons. For example, in *United States v. Frazier*, 30 F.4th 1165 (2022), the Tenth Circuit found that a “trooper’s efforts to arrange for a dog sniff diverted from the traffic-based mission of the stop and thereby extended its duration,” and “[t]he government [did] not argue to the contrary.” *Id.* at 1173. In *United States v. Landeros*, 913 F.3d 862 (9th Cir. 2019), the court found that the officer’s repeated “demand[s] for a passenger’s identification” and “call[] for back-up” “prolong[ed] the stop.” *Id.* at 865, 868. And in *United States v. Gomez*, 877 F.3d 76 (2d Cir. 2017), the court determined that the

officer’s unrelated “inquiries did in fact add time to the stop” when he had “spent much of the time of the stop, if not most of it, asking questions and executing searches related to [a] heroin investigation”—a “conclusion” that “[t]he Government [did] not appear to dispute.” *Id.* at 91-92. None of those fact-intensive holdings requires a different result in this case.

Petitioner notes (Pet. 8) Judge Grasz’s dissent from denial of rehearing in this case, which asserted that the decision below conflicts with “other circuits.” Pet. App. 48a. But his dissent—which adopted a reading of the panel decision here that no other circuit judge joined—relied mostly on cases discussed above, which do not demonstrate a conflict. See *ibid.* And the other decisions cited by the dissent likewise do not indicate that another circuit would necessarily have resolved this case differently. See *United States v. Hurtt*, 31 F.4th 152, 161 (3d Cir. 2022) (finding that an officer “paused the DUI investigation” that was the traffic stop’s mission to help another officer’s investigation of the passengers) (citation omitted); *United States v. Whitley*, 34 F.4th 522, 530 (6th Cir. 2022) (noting that unrelated questioning “during the time that [the motorist] was retrieving his license and registration * * * ‘did not measurably extend the duration of the stop,’” but finding that the officers later “abandoned the traffic stop,” which then “morphed into a drug investigation”) (brackets and citation omitted); *United States v. Reyes*, 24 F.4th 1, 18-20 (1st Cir. 2022) (noting that unrelated questioning would not prolong the stop if the officer “was still in the process of completing tasks related to the valid traffic mission” and then finding that the officer had independent “reasonable suspicion” to extend the stop).

Petitioner also points (Pet. 8) to a Third Circuit decision stating that “[c]ircuits have adopted starkly divergent interpretations of *Rodriguez*.” *United States v. Green*, 897 F.3d 173, 180 (2018). But again, none of the decisions cited in that passage reached a result inconsistent with the decision below. See *Gomez*, 877 F.3d at 91 (finding that unrelated “inquiries did in fact add time to the stop”); *United States v. Evans*, 786 F.3d 779, 786 (9th Cir. 2015) (finding delay when “almost half of the duration of the * * * detention [could] be attributed to” the officer’s unrelated investigative request) (emphasis omitted); *United States v. Collazo*, 818 F.3d 247, 258 (6th Cir.) (finding that an officer’s questions were either related to the traffic stop or did not impermissibly prolong the stop, such as questions posed when the officer “was waiting for the license check to come back” or in any event “possessed a reasonable suspicion”), cert. denied, 580 U.S. 878 (2016); *United States v. Walton*, 827 F.3d 682, 687 (7th Cir.) (noting that unrelated questioning does not violate the Fourth Amendment “so long as those inquiries do not measurably extend the duration of the stop,” but describing “[t]he issue in [that] case” as whether the officer had “reasonable suspicion”) (quoting *Arizona*, 555 U.S. at 333), cert. denied, 580 U.S. 963 (2016).

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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