No. 25-629

In the Supreme Court of the United States

BILLY PUCKETT,

Petitioner,

v.

UNITED STATES,

Respondent.

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

REPLY BRIEF FOR PETITIONER

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REPLY BRIEF FOR PETITIONER

This petition presents a straightforward question that has divided lower courts: whether officers may cease traffic-related activities and prolong a traffic stop by asking unrelated investigatory questions.

A state trooper, with no traffic-related activities ongoing, spent 20 seconds questioning petitioner about whether he had drugs or illegal or stolen items before requesting to search petitioner's vehicle.

The courts of appeals and state supreme courts explicitly disagree as to whether this conduct violates the Fourth Amendment. Two circuits and a state supreme court have held that officers may not pause a traffic stop's mission to engage in investigatory questioning or activities, however brief.

Other courts—including the Eighth Circuit below—permit officers to pause traffic-stop activities to engage in unrelated investigatory activities so long as they are "brief," "minor," "de minimis," or done within the time it would reasonably take to write a ticket.

This conflict is acknowledged. As the Third Circuit observed, the courts of appeals have adopted "starkly divergent interpretations of *Rodriguez*." *United States* v. *Green*, 897 F.3d 173, 180 (3d Cir. 2018); see also Pet. App. 48a (Grasz, J., dissenting from the denial of rehearing en banc).

The government cannot seriously deny the disparate outcomes. Its attempt to characterize the conflict as arising from fact-bound determinations unravels upon examination. The material facts are identical: In each case (Pet. 8-11), an officer paused performing traffic-related duties for 19 to 25 seconds to engage in unrelated investigation. The government acknowledges that those are the facts in *this* case. Opp. 7-8.

The difference in outcome can only reflect disagreement about the law.

This Court's review is warranted to resolve this division. This issue keeps recurring, and the answer is of immense importance for the Nation's 50,000 daily traffic stops. The government does not deny that this is a clean vehicle to resolve the question presented. While the government observes (at 6) that the Court has denied prior petitions, the government raised specific vehicle defects in each. See *infra* at xx-xx. Given the government does not—because it cannot—raise such an argument here, this is a uniquely suitable vehicle to resolve the question presented.

Review is additionally warranted because the decision below is wrong. In *Rodriguez* v. *United States*, this Court held that it violates the Fourth Amendment for an officer to "'prolong[]'—i.e., add[] time to" a traffic stop. 575 U.S. 348, 357 (2015) (quoting *Illinois* v. *Caballes*, 543 U.S. 405, 407 (2005)). The officer here undisputedly (Opp. 7-8) ceased traffic-related activities to engage in an unrelated investigation. *Rodriguez* compels the conclusion that the stop was prolonged because that questioning "add[ed] time" to the stop. *Rodriguez*, 575 U.S. at 357.

The government's contrary position mangles *Rodriguez*. While the government portrays its position as one of "the particular facts here" (Opp. 8), it only points to two facts: "that the citation had not been issued and the questioning did not take longer than the reasonable time it would have taken" to write the ticket (*id.* at 10). Those are the very arguments *Rodriguez* rejected when describing the "critical" inquiry into whether an officer "add[ed] time" to a stop. 575 U.S. at 357. Further review is warranted.

A. Lower courts are openly divided.

The lower courts are openly divided over whether officers may extend a traffic stop for unrelated questioning. Pet. 8-13.

The government cannot deny the division. Instead, it portrays the difference as purely factual, claiming that other cases found that an officer prolonged a stop, whereas this case did not. Opp. 11. But that assumes away the debate. The officer's conduct here is *identical* to conduct that the Third and Eleventh Circuits and Iowa Supreme Court hold prolongs a stop and violates the Fourth Amendment. Identical conduct leading to opposite legal conclusions is division over the law, not facts.

1. The Third Circuit's holding is irreconcilable with the decision below. It held that 20 seconds of criminal-history questioning after a computerized check's completion violated the Fourth Amendment. *United States* v. *Clark*, 902 F.3d 404, 410 n.4 (3d Cir. 2018). That officer's conduct is identical to the officer's conduct here: after a computerized check completed, the officer engaged in 20 seconds of investigatory questioning.

The government suggests (at 10) that *Clark*'s outcome resulted only because the government conceded that the officer's 20-seconds' questioning "prolonged the stop." That hardly helps the government. Its concession in *Clark* contrasted with its position here—that the same conduct does not prolong a stop—underscores the need for the Court's intervention.

The Third Circuit's subsequent decision in *United States* v. *Ross*, far from helping the government (Opp. 10-11), negates any doubt over the divergence on the

law. *Ross* viewed "off-mission questions" as not "lengthen[ing] the roadside detention" where the officer is "multitasking" or "one officer expeditiously completes all traffic-related tasks while another officer makes the off-mission inquiries." 151 F.4th 487, 499 (3d Cir. 2025). The court nowhere suggested (*contra* Opp. 11) that officers can *stop* traffic-related activities to ask off-mission questions so long as the questioning lasts less than the amount of time it would have taken to write a ticket—which is expressly the Eighth Circuit's holding below. Pet. App. 9a ("The 20 seconds of questioning did not prolong the stop beyond the time it would have taken * * * to issue a written citation or warning"). Because the 20-seconds' questioning here was not "simultaneous[]" traffic and off-mission activities (*Ross*, 151 F.4th at 499), under the Third Circuit's view, petitioner prevails.

The en banc Eleventh Circuit's decision in *United States* v. *Campbell*, 26 F.4th 860 (11th Cir. 2022), likewise squarely conflicts with the decision below. The court there held that an officer unlawfully prolonged a stop when he paused his traffic-related duties to ask unrelated questions for 25 seconds. *Id.* at 888. The government's proposed distinction (at 11)—that the decision below found the questioning took less than the time "it would have taken the officer" to write the ticket had he actually been doing so—is no distinction at all. If the Eleventh Circuit agreed with *that* legal rule, it would have asked whether the officer could have finished writing the ticket in the time the questioning lasted. But it rejected such an analysis. See *Campbell*, 26 F.4th at 883-884. Instead, it held that unlawful prolongation occurs when an officer "(1) conduct[s] an unrelated inquiry aimed at investigating

other crimes (2) that adds time to the stop (3) without reasonable suspicion." *Id.* at 884. Adding time occurs, under the Eleventh Circuit's analysis, when an officer pauses traffic-related activities to undertake investigation.

The same goes for *State* v. *Karst*, 509 P.3d 1148 (Idaho 2022), in which the Idaho Supreme Court held that the nineteen seconds an officer paused the traffic-stop's mission to contact a drug-dog unit violated the Fourth Amendment. The court thoroughly considered—and rejected—the notion (Opp. 11) that an officer can pause traffic-related activities so long as the "*overall* duration" is reasonable. 509 P.3d at 1156-1157; contra Opp. 11 (attempting to distinguish *Karst* based on an overall duration analysis).

The government's position that each contrary decision we cited (Pet. 10-11) is "fact-intensive," and none requires "a different result in this case" (Opp. 12) does not withstand scrutiny. The relevant conduct is identical—officers stopped performing traffic-related activities to engage in investigative activities—yet the outcomes are different. In the Third and Eleventh Circuits and in Idaho, petitioner prevails: the pause in traffic-related activities to ask investigatory questions prolonged the stop and thus violated the Fourth Amendment.

2. The Eighth Circuit in the decision below, however, rejected petitioner's Fourth Amendment claim. Its contrary rule is explicit: unrelated questioning complies with the Fourth Amendment so long as it is of "brief duration" "within the reasonable period of the traffic stop's original purpose." Pet. App. 9a. The Eighth Circuit's rule is agnostic to whether an officer pauses traffic-related activities mid-stop to undertake

unrelated investigations, so long as he keeps it shorter than the time it would take to write a ticket.[1] That rule is irreconcilable with the decisions just described holding that such a pause, even if brief, adds time to the stop.

The Eighth Circuit is not alone in its contrary rule. Pet. 12-13. The Supreme Court of North Dakota has held that questioning that lasted sixteen seconds passes muster as mere "minor inefficiencies." *State* v. *Vetter*, 927 N.W.2d 435, 443 (N.D. 2019). Similarly, the Supreme Court of Wisconsin held that a brief period of unrelated questioning was not an unlawful extension because it was "de minimis." *State* v. *Wright*, 926 N.W.2d 157, 166 (Wis. 2019).

The conflict of authority is apparent: Unlike in Idaho and the Third and Eleventh Circuits, in these jurisdictions, officers *can* pause traffic-stop-related activities to undertake unrelated investigations so long as they are "brief," "minor," de minimis, or shorter than citation-writing time.

3. The divergence is open and acknowledged; several federal judges have recognized the split. Judge Grasz's dissental observed that the panel opinion "conflicts with the authoritative decision" of the en banc Eleventh Circuit and "appears to conflict with a majority of all the other circuits." Pet. App. 48a. And the Third Circuit observed that the courts of appeals

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[1] This is how district courts are applying the decision below. In *United States* v. *Bouldin*, the district court, citing the decision below, assessed the legality of an officer's detour into investigatory questioning by asking whether the questioning took less time than it would have taken to write a summons. 2026 WL 36145, at *8 (E.D. Va. 2026).

have adopted "starkly divergent interpretations of Rodriguez." *Green*, 897 F.3d at 180.

The government's contention (at 13) that the Eighth Circuit's decision does not conflict with the half-dozen cases Judge Grasz identified is wrong. The government's sole contention is that every other case can be distinguished—because the decision here held the questioning was not an "impermissible prolong[ing]," whereas other circuits *did* hold there was prolonging. *E.g.*, *United States* v. *Gomez*, 877 F.3d 76, 91 (2d Cir. 2017) (concluding that unrelated "inquiries did in fact add time to the stop"). But the Eighth Circuit's failure to hold that the twenty seconds of unrelated questioning unlawfully added time to the stop is precisely the issue over which the courts diverge—and the question that warrants review.

B. This case is an ideal vehicle to resolve this pressing issue.

This case is an ideal vehicle to resolve the question presented. Pet. 13-18. The government nowhere denies this is a clean vehicle to resolve this important and recurring question.

1. That this case squarely raises the question presented is a powerful reason to grant review. As the government notes (at 6), this Court has previously denied certiorari in four cases presenting similar questions. In each of those cases, however, the government raised serious vehicle defects. See U.S. Br. in Opp. at 15, *Gholston* v. *United States*, 142 S. Ct. 1421 (2022) (No. 21-6150) (noting reasonable suspicion was an "alternative, factbound basis for affirmance" that made "a poor vehicle for review"); U.S. Br. in Opp. at 13-14, *Banks* v. *United States*, 141 S. Ct. 1078 (2021) (No. 20-5074) (noting officers had both reasonable suspicion

and probable cause to detain the petitioner); U.S. Br. in Opp. at 13, *Lawson* v. *United States*, 586 U.S. 1226 (2019) (No. 18-6310) (arguing lower courts correctly determined "alternative, 'independent reasonable suspicion' * * * justified an extension of the stop"); U.S. Br. in Opp. at 17-18, *Frierson* v. *United States*, 577 U.S. 1145 (2016) (No. 15-6448) (explaining that lower courts found the alleged delays were traffic-stop-related activities that produced reasonable suspicion).

Here, by contrast, the issue was pressed and passed upon below and is outcome dispositive. Unlike past petitions, the government does not—because it simply cannot—contend that probable cause or reasonable suspicion provides an alternative basis to affirm. This case thus presents a unique opportunity for the Court to resolve this important question.

2. The question presented is also recurrent. Even while disputing the nature of the circuit split, the government acknowledges 17 distinct cases in which the parties debated *Rodriguez*'s framework for prolonged traffic stops. See Opp. 6, 10-13. Even in the short time since the petition was filed, lower courts have addressed the question presented—and to diverging results. Compare *United States* v. *Gray*, 2026 WL 413863 (D. Conn. 2026) (finding Fourth Amendment violation from one minute and 40-second "off-microphone conversations" after officers had "checked the vehicle registration, validated [the license], confirmed * * * no outstanding warrants" but were "not writ[ing] a ticket or summons"), with *United States* v. *Bouldin*, 2026 WL 36145, at *8 (E.D. Va. 2026) (citing the decision below and finding no Fourth Amendment violation from unrelated investigatory questions

undertaken when "preliminary records check was completed" but the officer "had not yet issued the summons" because writing the summons "would have taken several [more] minutes").

Drivers, officers, and the courts alike need clarity on this important and recurring question.

C. The decision below is wrong.

The decision below—authorizing officers to pause traffic-related activities for investigatory questioning so long as the questioning takes less time than it would to complete the stop—is deeply flawed. The government has conceded the point previously (Opp. 10; *supra* at xx-xx). For good reason because the Eighth Circuit's rule is indefensible under *Rodriguez*.

1. The Court held in *Rodriguez* that an officer violates the Fourth Amendment if he prolongs a traffic stop by engaging in actions "not fairly characterized as part of the officer's traffic mission." 575 U.S. at 356. "The critical question," the Court held, "is not whether [an unrelated action] occurs before or after the officer issues a ticket * * * but whether conducting the [action] 'prolongs'—i.e., adds time to—'the stop.'" *Id.* at 357 (quoting *Caballes*, 543 U.S. at 407).

Here, Trooper Rorie engaged in unrelated investigatory questioning after he received the results of computerized license checks. Once he received those results, he proceeded with investigatory questioning with no traffic-related activities ongoing. Those nonmission activities inherently "add[ed] time" to the stop. *Rodriguez*, 575 U.S. at 357; *Campbell*, 26 F.4th at 885 (questions about contraband in the car while ticket-writing paused "extended the stop by approximately twenty-five seconds").

No material facts are in dispute: the government acknowledges (Opp. 8) that Trooper Rorie engaged in 20 seconds of unrelated questioning after he received the clean license-check results. See Pet. App. 2a-3a; Pet. App. 32a. And the government nowhere denies these questions were unrelated to the stop's mission and unsupported by reasonable suspicion. See Opp. 7-10. Those facts establish the Fourth Amendment violation. *Campbell*, 26 F.4th at 885.

2. The government's arguments fail to refute this. The government initially seems to agree (at 7) that unrelated questioning only survives Fourth Amendment scrutiny if undertaken "contemporaneously with" or "simultaneously [with] furthering the mission of the traffic stop." Opp. 7. If that is the standard, the decision below is plainly wrong. Trooper Rorie was not "contemporaneously" or "simultaneously" pursuing traffic-stop-related activities during the 20 seconds he engaged in unrelated investigatory questions post-computer check. The computer check was done, yet he was not writing a ticket. See, *e.g.*, Pet. App. 31a-32a.

The government's passing suggestion that the lower courts found these 20 seconds to have occurred "concurrently" with traffic-related activities (Opp. 8) misstates the record. The magistrate judge found an earlier series of investigatory questions to have occurred concurrently with traffic-related activities (i.e., the computer check running). Pet. App. 31a-32a. But that does not apply to the 20 seconds of unrelated investigatory questions that occurred *after* the computer check (Pet. App. 32a)—and what this petition concerns. A record mistake is not grounds for defending the decision below.

Nor can the government harmonize the decision below with *Rodriguez*. Opp. 9-10.

The rule the government advocates (at 10)—that time was not added to the stop because the citation had not been issued and the questioning did not take longer than the time it would have taken to write the citation—is irreconcilable with *Rodriguez*. Pet. 20-21. Indeed, *Rodriguez* expressly rejected both notions. It found irrelevant "whether the [unrelated activity] occurs before or after the officer issues a ticket" (575 U.S. at 357) and rejected the government's argument for an "overall duration" that is "reasonable" (*ibid.*). It said so in the very paragraph in which the Court identifies the "critical question": "whether [the unrelated] activity 'prolongs'—*i.e.*, adds time to—'the stop.'" *Ibid.*

Neither the absence of a citation nor a reasonable overall duration makes a difference to the key inquiry. See *Campbell*, 26 F.4th at 884 (*Rodriguez* "specifically rejected" "overall reasonableness" and "rebuffed" a "not yet complete[]" argument). As Judge Grasz put it, that mode of analysis disregards "the pertinent question"—"whether the officer's unrelated investigation delayed the completion of the traffic stop's mission." Pet. App. 50a.

The only other way to make sense of the decision below is as reviving a *de minimis* or general "reasonableness" rule. Pet. 20. See also *Campbell*, 26 F.4th at 884. The government's only response is that the decision below "disclaimed" doing so and "[c]it[ed] the relevant passages in *Rodriguez*." Opp. 9. But disclaiming a violation of this Court's precedent does not render a resulting rule correct. Left to stand, the decision below authorizes unrelated investigatory questioning for the entire time it would otherwise take to write a traffic

citation. That cannot be squared with *Rodriguez*, nor should the traveling public be subjected to sweeping investigations on account of a traffic stop.

CONCLUSION

The Court should grant the petition.

Respectfully submitted.

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