No. _____

In the Supreme Court of the United States

_____

Miguel Rafael Rayos, Jr.,
Petitioner,

v.

United States of America,
Respondent

_____

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

_____

PETITION FOR A WRIT OF CERTIORARI

_____

Taylor Wills Edwards "T.W." Brown
Assistant Federal Public Defender
Northern District of Texas
P.O. Box 17743
819 Taylor Street, Room 9A10
Fort Worth, TX 76102
(817) 978-2753
Taylor_W_Brown@fd.org
Texas Bar No. 24087225

QUESTION PRESENTED

I. In *United States v. Leon*, this Court announced a good-faith exception to the exclusionary rule. 468 U.S. 897, 922-23 (1984). "[T]he marginal or nonexistent benefits produced by suppressing evidence obtained in objectively reasonable reliance on a subsequently invalidated search warrant," this Court explained, "cannot justify the substantial costs of exclusion." *Id.* at 922. Suppression would nevertheless be appropriate where a police officer secured and executed a warrant "based on an affidavit 'so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.'" *See id.* at 923 (quoting *Brown v. Illinois*, 422 U.S. 590, 610-11 (1975) (Powell, J., concurring)).

The courts of appeals have split on whether an affidavit with some facts, rather than none, qualifies as "bare bones" under *Leon*. According to the Fifth Circuit, "'[b]are bones affidavits" are those that "contain wholly conclusory statements.'" *United States v. Morton*, 46 F.4th 331, 336 (5th Cir. 2022) (en banc) (quoting *United States v. Satterwhite*, 980 F.2d 317, 321 (5th Cir. 1992)). The Fifth Circuit relied on this all-or-nothing analysis below to reject the good-faith argument raised by Mr. Rayos. Since the affidavit included some facts, rather than an unadorned conclusion, Mr. Rayos lost. Other circuit courts of appeals have adopted a more nuanced approach to the bare-bones analysis and ask whether the case-specific facts from the affidavit actually put meat on the bone, rather than useless fat. *See United States v. Vigeant*, 176 F.3d 565, 574 (1st Cir. 1999) (citing *United States v. Weber*, 923 F.3d 1338, 1346 (9th Cir. 1990)); *Weber*, 923 F.3d at 1346 (citing *Leon*, 468 U.S. at 926).

The question presented is this: whether the Fifth Circuit has misapplied *Leon* by adopting an all-or-nothing approach to the bare-bones analysis.

LIST OF PARTIES

Miguel Rafael Rayos, Jr., petitioner on review, was the Defendant-Appellant below. The United States of America, respondent on review, was Plaintiff-Appellee. No party is a corporation.

RELATED PROCEEDINGS

- *United States v. Miguel Rafael Rayos, Jr.*, No. 4:24-CR-054-P, U.S. District Court for the Northern District of Texas. Judgment and sentence entered on November 7, 2024.

- *United States v. Miguel Rafael Rayos, Jr.*, No. 24-10993, U.S. Court of Appeals for the Fifth Circuit. Opinion and judgment entered on September 5, 2025.

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PETITION FOR A WRIT OF CERTIORARI

Miguel Rafael Rayos, Jr., respectfully petitions for a writ of certiorari to review the judgment and opinion of the United States Court of Appeals for the Fifth Circuit.

OPINION BELOW

The Fifth Circuit's unpublished opinion is reprinted at Pet.App.a1-a4.

JURISDICTION

The Fifth Circuit issued an opinion on September 5, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).

RELEVANT PROVISIONS

This case turns on the Fourth Amendment to the U.S. Constitution:

> 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.

U.S. CONST., amend. IV.

STATEMENT OF THE CASE

After denying his motion to suppress, the district court found Mr. Rayos guilty following a bench trial on stipulated facts. The federal government charged Mr. Rayos with a drug-trafficking crime after the local police in North Richland Hills, Texas, recovered fentanyl from his home. Mr. Rayos and his roommate initially called the police to their home after discovering their cousin, E.G.,

unresponsive in the bathroom. A doctor at a nearby hospital pronounced E.G. dead soon thereafter and noticed suspected "track marks" on his arm. On these facts, the police sought an open-ended warrant to search the home for weapons, narcotics, or "any items capable of causing death or serious bodily injury." When this search turned up evidence of drug trafficking, the police sought a second warrant targeted toward that crime. Mr. Rayos challenged the initial warrant authorizing the search of his home as issued without probable cause. He also argued against the good-faith exception to the exclusionary rule by attacking the underlying affidavit as bare boned. The district court ruled against him on both points.

The affidavit underlying the initial search was brief. It included just a five-paragraph summary of the ongoing investigation. The first paragraph identified the affiant as a detective with the North Richland Hills Police Department and briefly recounted his experience and qualifications. The second paragraph provided a three-sentence summary of the initial call to police, the initial response, and E.G.'s subsequent death at a nearby hospital. The third paragraph restated the same information but with a few additional details. The responding officers "began to perform CPR" after locating E.G. in the bathroom and "not[ed]" that "his hair was wet." In turn, the fire department "arrived and began life-saving measures." The fire department then "transported [E.G.] to Medical City North Hills Hospital where he was pronounced deceased." From there, the affidavit recounted on-the-scene statements provided by Mr. Rayos and his roommate. Mr. Rayos told the police that he and E.G. had been out "the night prior," "went to multiple bars," and

"consumed alcoholic beverages." The affidavit's fifth and final paragraph comprised a single sentence: "[A] Doctor at Medical City North Hills Hospital noted suspicious 'track marks' on [E.G.'s] arms[,] which may indicate use of narcotics."

Mr. Rayos filed a motion to suppress. In the motion, he attacked the facts from the initial affidavit as insufficient to establish probable cause of any crime. Death, Mr. Rayos pointed out, "is not itself a crime." He then identified the suspected "track marks" on E.G.'s arm as "the one fact" from the affidavit "that *may* be suspicious" but argued they were not enough to establish probable cause for the present-tense possession of a controlled substance by E.G. or anyone else in the home. Mr. Rayos also argued against the good-faith exception to the exclusionary rule. The affidavit, he maintained, was woefully inadequate to support the general rummaging requested by police. For one thing, it included "no supporting facts to suggest a crime." For another, it failed to specify what crime the police were investigating. Despite those gaps, the affidavit brazenly "call[ed] for a search of the entire home and four vehicles." The affidavit, Mr. Rayos concluded, thereby failed to provide "a factual basis" to support that open-ended request and was "accordingly a 'bare bones' affidavit."

Because the affidavit underlying the search at his home contained some facts, rather than none, the district court rejected the good-faith argument advanced by Mr. Rayos. Although finding for Mr. Rayos on one of the underlying disputes, the district court ultimately resolved the motion to suppress in the government's favor. "[D]ying isn't illegal," the district court explained, and as a result, the mere

discovery of "a dead or dying person" by housemates at 3:30 am would not support the issuance of a warrant. "If probable cause existed every time someone died in their house," the district court reasoned, "innumerable meritless searches could be justified." Despite this ruling, the district court resolved the probable-cause inquiry in the government's favor based on the other facts laid out in the first affidavit. Those facts included:

- "The type of residence and address thereof."
- "The appearance of the residence."
- "The vehicles parked in front of the residence."
- "The purported occupants of the residence."
- "The appearance of the purported occupants of the residence."
- "The scene as it appeared when police arrived."
- "The timing and circumstances of the medical distress call."
- "The location of the deceased within the residence."
- "The decedent's bizarre features (e.g., blue in the face with soaking wet hair)."
- "The fact that the deceased had previously been drinking."
- "The existence of 'track marks' on the decedent, indicating likely use of illegal narcotics."

Taken together, the district court found, these facts supported a finding of probable cause geared toward E.G.'s use of illegal controlled substances. The district court then addressed the good-faith exception and again ruled in the government's favor. Since the affidavit included more than "wholly conclusory statements," it was not

bare boned, and the good-faith exception would apply even if there was no probable cause.

The Fifth Circuit adopted the district court's good-faith analysis but did not rule on the probable-cause issue. "The affidavit in this case does not fall within the examples of a bare bones affidavit," the Fifth Circuit held, "because it contains more than wholly conclusory statements." Pet.App.a3 (citing *United States v. Morton*, 46 F.4th 331, 336-37 (5th Cir. 2022) (en banc)). Given the facts described in the affidavit, the Fifth Circuit concluded, "a reasonably well-trained officer would have had no reason to know that the search was illegal despite the magistrate's authorization." Pet.App.a3 (citing *United States v. Leon*, 468 U.S. 897, 922 n.23 (1984)).

REASONS FOR GRANTING THIS PETITION

I. The Fifth Circuit misapplied the good-faith exception from *United States v. Leon*.

a. In *Leon*, the bare-bones analysis focused on the substance of an affidavit's facts, not their mere existence.

In *Leon*, this Court adopted a good-faith exception to the exclusionary rule. There, the police secured a search warrant for three residences after preparing an affidavit describing their "extensive investigation" into a group of suspected drug dealers. *United States v. Leon*, 468 U.S. 897, 901-02 (1984). The affidavit described an initial tip from a confidential informant and the ensuing investigation, which corroborated some of the tip's details. *Id*. A district court subsequently declared the warrant invalid based on the age of the tip and the affidavit's failure to

establish the informant's reliability. *Id*. at 903 & n.2. The Ninth Circuit Court of Appeals affirmed the district court's suppression ruling and declined to adopt a good-faith exception to the exclusionary rule. *Id*. at 904-05. This Court granted certiorari and declared a good-faith exception after evaluating "the costs and benefits of suppressing reliable physical evidence seized by officers reasonably relying on a warrant issued by a detached and neutral magistrate." *Id*. at 913. It "conclude[d] that the marginal or nonexistent benefits produced by suppressing evidence obtained in objectively reasonable reliance on a subsequently invalidated search warrant cannot justify the substantial costs of exclusion." *Id*. at 922.

The Court nevertheless recognized that the good-faith exception would not apply in the case of a "bare bones" affidavit. If police relied "on a warrant based on an affidavit 'so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable,'" suppression remained the appropriate remedy. *Id*. at 923 (quoting *Brown v. Illinois*, 422 U.S. 590, 610-11 (1975) (Powell, J., concurring)). The Court then determined that the affidavit at the heart of *Leon* did not qualify as bare boned. It "related the results of an extensive investigation and, as the opinions of the divided panel of the Court of Appeals make clear, provided evidence sufficient to create disagreement among thoughtful and competent judges as to the existence of probable cause." *Id*. at 926.

The bare-bones analysis from *Leon* requires a close look at an affidavit's substance, not just its word count. An affidavit clears the bare-bones hurdle if it provides the issuing magistrate "with a *substantial basis* for determining the

existence of probable cause." *See id*. at 923 (quoting *Illinois v. Gates*, 462 U.S. 213, 239 (1983)). That means an affidavit must include "[s]ufficient information . . . to allow the [magistrate] to determine probable cause," and the magistrate's "action cannot be a mere ratification of the bare conclusions of others." *Id*. at 915 (quoting *Gates*, 462 U.S. at 239). An affidavit offering only a bare conclusion would obviously fail under *Leon*'s bare-bone analysis, and in similar fashion, an affidavit including facts irrelevant to the ultimate probable-cause conclusion likewise fails to present the issuing magistrate with "[s]ufficient information." *See id*. at 915 (quoting *Gates*, 462 U.S. at 239).

b. The Fifth Circuit's bare-bones analysis turns on the affidavit's word count, not its substance.

In *United States v. Morton*, the en banc Fifth Circuit departed from *Leon*. The original panel opinion invalidated the warrant-authorized search of a suspect's cellphone despite his arrest for drug possession and ruled in the defendant's favor on the good-faith exception after finding that the affidavit's assertions "were too minimal and generalized to provide probable cause for the magistrate to authorize the search of the photographs" on his phone. *United States v. Morton*, 984 F.3d 421, 431 (5th Cir. 2021), *rev'd en banc*, 46 F.4th 331, 333 (5th Cir. 2022). The en banc Fifth Circuit reversed the panel, and in doing so, focused on the affidavit's word count, rather than its substance. To support this analysis, the en banc majority opinion summarized a series of bare-bones affidavit invalidated by this Court and explained that each one failed to "detail any facts" supporting probable cause and instead "allege[d] only conclusions." *United States v. Morton*, 46 F.4th 331, 337 (5th

Cir. 2022) (en banc) (citing *Whitley v. Warden*, 401 U.S. 560, 563 (1971); *Aguilar v. Texas*, 378 U.S. 108, 109 (1964); *Giordenello v. United States*, 357 U.S. 480, 481 (1958); *Nathanson v. United States*, 290 U.S. 41, 44 (1933)). It then determined that the affidavits at issue in *Morton* were "not of this genre" and "ha[d] some meat on the bones." *Id.* For support, the en banc majority noted the length and content of the affidavits: "Each is over three pages and fully details the facts surrounding Morton's arrest and the discovery of drugs and his phones." *Id.* "Whatever one might conclude in hindsight about the strength of the evidence it recounts," the majority explained, "the affidavit is not 'wholly conclusory.'" *Id.* (quoting *United States v. Satterwhite*, 980 F.2d 317, 321 (5th Cir. 1992)). That analysis is inconsistent with *Leon*. In short, the en banc Fifth Circuit wrongly emphasized the existence of some facts, rather than none, in ruling against the defendant, and as a result, ignored the essential question for any bare-bones analysis: whether the affidavit provided the issuing magistrate "with a *substantial basis* for determining the existence of probable cause." *See Leon*, 468 U.S. at 915 (quoting *Gates*, 462 U.S. at 239).

The same error infected the opinion below. Although the affidavit included a summary of the ongoing investigation into E.G.'s death, the facts laid out were obviously inadequate to support the general rummaging requested by police. The affidavit identified no suspected crime, and the summary of facts did nothing to suggest present-tense drug possession by anyone at the house. Under the Fifth Circuit's precedent, the affidavit's word count nevertheless required a good-faith

ruling for the government. The affidavit could not be bare boned, the Fifth Circuit ruled, "because it contain[ed] more than wholly conclusory statements." Pet.App.a3 (citing *Morton*, 46 F.4th at 336-37).

The Fifth Circuit's good-faith analysis was outcome determinative. In a case like this, the Fifth Circuit will "initially decide[] whether the good-faith exception to the exclusionary rules applies." Pet.App.a2 (citing *United States v. Allen*, 625 F.3d 830, 835 (5th Cir. 2010)). "[I]f the good-faith exception applies," the Fifth Circuit will typically "affirm the denial of the motion to suppress without further inquiry." Pet.App.a2 (citing *Allen*, 625 F.3d at 835). Here, the Fifth Circuit addressed only the district court's good-faith ruling and affirmed the order denying suppression on that basis. Pet.App.a3-a4.

c. In applying *Leon*, the First and Ninth Circuits correctly ask whether there is meat on the bone, not just fat.

Other circuit courts of appeals have adopted a bare-bones analysis consistent with *Leon*. The Ninth Circuit, for example, declared a lengthy affidavit bare bones based on its failure to tie any of the facts presented to the defendant. *United States v. Weber*, 923 F.2d 1338, 1346 (9th Cir. 1990). The affidavit explained that three different types of criminals—"child molesters," "pedophiles," and "child pornography collectors"—engaged in certain types of behaviors and then sought permission to search the defendant's home for child pornography. *Id.* at 1340-41. The Ninth Circuit found no probable cause given the affidavit's failure to place the defendant within any of the three categories of offenders specified therein. *Id.* at 1345-46. It

then declared the affidavit bare boned despites its length. *Id*. at 1346. "The foundationless expert testimony" from the affidavit "may have added fat" but "certainly no muscle." *Id*. "Stripped of the fat," the Ninth Circuit concluded, "it was" therefore "the kind of 'bare bones' affidavit that is deficient under *Leon*." *Id*. (citing 468 U.S. at 926).

The First Circuit employed a similar analysis in *United States v. Vigeant*. In addition to faulting the affiant for omitting material information about a confidential informant's apparent unreliability, the First Circuit recognized that much of an affidavit's assertions concerning a suspected money launderer's "'front companies' and 'layering'" activities amounted to no more than "foundationless expert testimony." *United States v. Vigeant*, 176 F.3d 565, 574 (1st Cir. 1999) (quoting *Weber*, 923 F.2d at 1346). This analysis allowed the First Circuit to issues a good-faith ruling against the government despite a lengthy, detailed affidavit. *See id*. at 567-68.

The First and Ninth Circuits are faithfully applying the bare-bones analysis required by *Leon*. Both focus on whether the challenged affidavit provided the issuing magistrate "with a *substantial basis* for determining the existence of probable cause." *See Leon*, 468 U.S. at 923 (quoting *Gates*, 462 U.S. at 239). Rather than focus on substance, the Fifth Circuit's approach requires a ruling in the government's favor whenever the affidavit includes some recitation of facts, rather than none. This all-or-nothing approach depends on the affidavit's word count, rather than its substance, and misapplies the good-faith test announced in *Leon*.

II. The Court should grant certiorari to address the Fifth Circuit's analytical error.

This petition provides the Court with an opportunity to ensure across-the-board continuity on an important question of federal law. Since *Leon*, the question of good faith applies whenever a defendant challenges the legality of a search executed pursuant to a warrant. *Leon* appropriately focused the bare-bones analysis on the substance of the affidavit, and the First and Ninth Circuits have faithfully applied that analysis to declare lengthy warrants bare boned despite the inclusion of various facts. The Fifth Circuit's approach, by contrast, requires a good-faith ruling in the government's favor whenever the affidavit includes something, rather than nothing. That approach misapplies *Leon*, and the Fifth Circuit's analytical error was outcome determinative in this case. This Court should grant certiorari and reverse the Fifth Circuit's misapplication of the law.

CONCLUSION

Petitioner respectfully asks this Court to grant *certiorari* to review the judgment of the United States Court of Appeals for the Fifth Circuit.

Submitted December 4, 2025.

/s/ Taylor Wills Edwards "T.W." Brown
Taylor Wills Edwards "T.W." Brown
Assistant Federal Public Defender
Northern District of Texas
P.O. Box 17743
819 Taylor Street, Room 9A10
Fort Worth, TX 76102
(817) 978-2753
Taylor_W_Brown@fd.org
Texas Bar No. 24087225

Attorney for Petitioner