

IN THE SUPREME COURT OF THE UNITED STATES

FRANCISCO SORIA, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES IN OPPOSITION

D. JOHN SAUER
Solicitor General
Counsel of Record

A. TYSEN DUVA
Assistant Attorney General

W. CONNOR WINN
Attorney

Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

QUESTION PRESENTED

Whether petitioner's Fourth Amendment rights were violated by the execution of a valid search warrant on an apparent single-family residence which was determined, after the search began, to include several different subunits.

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No. 25-7147

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OPINIONS BELOW

The memorandum of the court of appeals (Pet. App. 1-4) is available at 2025 WL 2673908. The order of the district court (Pet. App. 10-12) is unreported.

JURISDICTION

The judgment of the court of appeals was entered on September 18, 2025. A petition for rehearing was denied on February 2, 2026 (Pet. App. 13). The petition for a writ of certiorari was filed on March 31, 2026. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a conditional guilty plea in the United States District Court for the Central District of California, petitioner was convicted on one count of conspiring to distribute and possess with intent to distribute controlled substances, in violation of 21 U.S.C. 841(a)(1) and (b)(1)(A) and 846; one count of possessing a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. 924(c)(1)(A)(i); and one count of possessing a firearm following a felony conviction, in violation of 18 U.S.C. 922(g)(1) and 924(a)(2) (2018). Judgment 1. He was sentenced to 181 months of imprisonment, to be followed by five years of supervised release. Ibid. The court of appeals affirmed. Pet. App. 1-4.

1. In the course of its investigation of a Los Angeles street gang, law enforcement learned through intercepted phone calls and text messages that petitioner was selling methamphetamine. C.A. E.R. 165. A traffic stop in which petitioner provided his driver's license, as well as petitioner's cell-phone activity, revealed his home address as 9621 Laurel Street, id. at 166-167, which appeared to be a "one-story single-family residence," id. at 156. Law enforcement obtained a search warrant for that address from a state magistrate. Id. at 155-171.

A joint federal-state task force executed the search warrant. C.A. E.R. 125. A SWAT team entered the single-family residence to perform a protective sweep, and other officers followed and began

"conduct[ing] searches pursuant to" the warrant with canine units looking for weapons and narcotics. Ibid. The officers discovered that the home "had been subdivided into three living areas with makeshift walls." Ibid. Based on their initial activities, the officers "correctly determined" that the subunit containing petitioner's driver's license was his. Pet. App. 11; see C.A. E.R. 74-75, 174, 176.

The officer in charge of the search "thereafter directed task force personnel to thoroughly search only the space occupied by" petitioner, "who was the target of [the] investigation." C.A. E.R. 125. During their search of his subunit, the officers found fentanyl, heroin, and methamphetamine; a scale; and handguns and ammunition, id. at 41-42, 174; see id. at 108-109.

2. A grand jury in the Central District of California charged petitioner with several narcotics trafficking and firearm offenses. Indictment 2-15, 18, 20. Petitioner moved to suppress the evidence obtained in the search of his residence. Citing Maryland v. Garrison, 480 U.S. 79 (1987), petitioner argued, among other things, that the warrant was overbroad for failing to specify petitioner's unit and that the officers were required to discontinue their search after discovering that the residence described in the warrant was actually divided into multiple subunits. See C.A. E.R. 145-151.

The district court denied the motion. Pet. App. 10-12. As a threshold matter, the court explained that the warrant was valid

because the officers had discovered the subdivision of the premises into separate units only "after obtaining [the] warrant." Id. at 10. The court found "no evidence to suggest that the officers knew of the subunits and failed to disclose their existence to the magistrate." Id. at 11.

The district court also found that the execution of the warrant was valid. Pet. App. 11. The court observed that while "[t]he officers did not completely limit their search to the residence of the suspect, depending on one's views of the 'sweeps,'" the officers had "correctly determined" which subunit was petitioner's and "reasonably searched" it. Ibid. The court rejected petitioner's argument that the officers had impermissibly "relied on their general search to determine" which subunit was petitioner's, observing that such reliance "is not forbidden by Garrison." Ibid.

Petitioner entered a conditional guilty plea, preserving his right to appeal the denial of his suppression motion. C.A. E.R. 29, 35. He was sentenced to 181 months of imprisonment, to be followed by five years of supervised release. Judgment 1.

3. The court of appeals affirmed in an unpublished memorandum opinion. Pet. App. 1-4. The court of appeals agreed with the district court that the warrant was valid, observing that the officers "neither knew nor should have known" before seeking a warrant that the single-family residence had been "divided into three makeshift subunits." Id. at 2. And it found that "[t]he

execution of the warrant as to [petitioner] was also valid," and that "he lacks standing to challenge its execution as to his neighbors." Id. at 3.

ARGUMENT

Petitioner contends (Pet. 9-10) that officers violated his Fourth Amendment rights by executing a valid search warrant after they discovered the internal subdivision of an apparent single-family residence. Petitioner errs in suggesting that the unpublished and nonprecedential decision below conflicts with either Maryland v. Garrison, 480 U.S. 79 (1987), or the decision of any other court of appeals. No further review is warranted.

1. In Garrison, police officers obtained and executed a warrant to search Lawrence McWebb and his apartment, which they reasonably believed to be a lone unit on an apartment building's third floor. 480 U.S. at 80-81. The officers reached the building's third floor and saw rooms to the left and to the right. Id. at 81. Unbeknownst to the officers, the rooms on the left were McWebb's apartment; the rooms on the right were a separate apartment belonging to Harold Garrison. Ibid. Believing all the rooms to be part of McWebb's apartment, the officers entered Garrison's unit and found "heroin, cash, and drug paraphernalia." Ibid. Only after that discovery did they learn that they had searched a second apartment that did not belong to McWebb. Ibid. Police then stopped searching Garrison's unit. Ibid.

Garrison was later prosecuted, and he moved to suppress the evidence found in his apartment. Garrison, 480 U.S. at 80. This Court held that the warrant was valid even though "[w]ith the benefit of hindsight * * * the description of th[e] place [to be searched] was broader than appropriate," because the officers neither knew nor should have known that the third floor was subdivided into two apartments when they sought and obtained the warrant. Id. at 85; see id. at 84-86. And it also held that "even if the warrant is interpreted as authorizing a search limited to McWebb's apartment rather than the entire third floor," the search of Garrison's apartment was nonetheless constitutional. Id. at 88; see id. at 86-89. The Court explained that "[t]he objective facts available to the officers at the time" they searched Garrison's apartment "suggested no distinction between McWebb's apartment and the third-floor premises." Id. at 88.

The Court noted that "[i]f the officers had known, or should have known, that the third floor contained two apartments before they entered the living quarters on the third floor, and thus had been aware of the error in the warrant, they would have been obligated to limit their search to McWebb's apartment." Garrison, 480 U.S. at 86-87. And the Court similarly noted that "as the officers recognized, they were required to discontinue the search of [Garrison's] apartment as soon as they discovered that there were two separate units on the third floor and therefore were put on notice of the risk that they might be in a unit erroneously

included within the terms of the warrant.” Id. at 87. But the Court recognized that “[t]he officers’ conduct and the limits of the search were based on the information available as the search proceeded,” ibid., and made clear that the duty to “reasonably limit [the] search” would arise only “after the police * * * discover the factual mistake,” id. at 89 n.14.

2. The court of appeals’ decision here does not conflict with Garrison. Officers applied for and secured a search warrant for what they reasonably believed to be a single-family home where petitioner resided. See Pet. App. 11 (finding “no evidence to suggest that the officers knew of the subunits” when applying for the warrant). After the search started, officers learned that the home had been subdivided. See C.A. E.R. 125. They then “correctly determined which subunit was [petitioner’s] residence, [and] reasonably searched that residence.” Pet. App. 11. The court of appeals, in agreement with the district court, found that “[t]he warrant was valid” and that “[t]he execution of the warrant as to [petitioner] was also valid.” Id. at 2-3.

Petitioner no longer disputes the validity of the warrant itself. And as Garrison makes clear, if officers “discover the factual mistake” during the execution of the warrant, the Fourth Amendment requires only that they “reasonably limit” their search, 480 U.S. at 89 n.14--not that they cease it entirely. In particular, officers may rely on “the information available as the search proceeded” to search only the apartment of the target of

the warrant. Id. at 87. Petitioner's claim of error thus relies on the factual premise that in this particular case, the officers "realize[d] the warrant [wa]s overbroad," were "unable to narrow its scope," but continued searching nonetheless. Pet. i; see, e.g., Pet. 2 ("This case presents the * * * situation * * * where officers had not determined which unit was the target's at the time they realized the warrant was overbroad."); see generally Pet. 9-10. But there is no indication that the court of appeals agreed with that premise; in particular, petitioner is incorrect in asserting (Pet. 8) that it "was uncontested * * * that officers realized the warrant's overbreadth before determining which unit was" his.

Petitioner relies in part (Pet. 3 n.2) on the district court's statement that law enforcement only determined which unit was petitioner's after "entering" the house, C.A. E.R. 80. But just because law enforcement learned which unit was petitioner's residence after their entry does not establish that they continued searching after they became aware of the warrant's overbreadth. In light of the lack of exterior evidence that the house contained multiple units, see Pet. App. 3, and the fact "[t]he warrant explicitly allow[ed] a search of every portion of" the house, id. at 11, there is no sound reason to conclude that officers knew, "or should have known, that" petitioner lived in a single subunit and lacked control over the entire structure, Garrison, 480 U.S. at 86, and thus no sound reason to conclude that the officers acted

unreasonably in this case. See id. at 88 ("Prior to the officers' discovery of the factual mistake, they perceived McWebb's apartment and the third-floor premises as one and the same; therefore their execution of the warrant reasonably included the entire third floor.").

Petitioner also asserts (Pet. 3 n.2) that, in the court of appeals, "the government conceded that" that after the initial entry, law enforcement knew the house contained multiple residences but did not know which unit was petitioner's. That takes statements in the government's brief out of context. Instead, the government explained that law enforcement officers learned of the multiple subunits after "entering the building," yet "did not know which unit was occupied by [petitioner] or if [petitioner] was in control of the entire premises." Gov't C.A. Br. 29; see C.A. Gov't Opp. to Pet. for Reh'g 11-12 (further explaining the circumstances in opposing petitioner's petition for rehearing).

This Court does "not grant * * * certiorari to review evidence and discuss specific facts." E.g., United States v. Johnston, 268 U.S. 220, 227 (1925); see Sup. Ct. R. 10. And certiorari would be particularly unwarranted when the relevance of the question presented to the disposition of this case depends on the unproven assumption that the court of appeals' unpublished decision adopted petitioner's view of the facts.

3. Petitioner further errs in asserting (Pet. 6-9) that the court of appeals' decision conflicts with the decisions of other courts of appeals.

In United States v. Ritter, 416 F.3d 256 (2005), the Third Circuit correctly recognized that law enforcement need not "discontinue entirely their search" after discovering that a single-family house has been subdivided, but instead may "search * * * those areas clearly covered by the warrant," id. at 266, to the extent that they can be determined "based on the information available as the search proceeds," id. at 267 (quoting Garrison, 480 U.S. at 87) (brackets omitted). The problem with the execution of the warrant in that case was that the warrant was based on information that marijuana was being grown at a "structure or residence" at a particular address without specification as to whose residence it was; thus officers had no way to narrow the scope of their search after they realized that the premises were subdivided into different units. See id. at 259, 266-268 & n.9. Here, by contrast, the warrant was accompanied by a probable cause affidavit tying the search to an investigation of petitioner, see C.A. E.R. 165-168, thus allowing law enforcement "to ascertain and identify the place intended to be searched," and to narrow the scope of the search accordingly, Garrison, 480 U.S. at 88; see Pet. App. 11. There is thus no sound reason for concluding that the Third Circuit would have viewed the specific facts here any differently than the court of appeals.

The Seventh Circuit's decision in Jacobs v. City of Chicago, 215 F.3d 758 (2000), is even further afield. That case involved a civil suit after a police search of a residence. See id. at 763. Police had "obtained a search warrant for 'Troy,' * * * and a single family residence." Ibid. But they failed to discontinue their search after learning that the structure in fact contained three apartments and that no "Troy" lived in any of them. Id. at 764. Rather, police searched the plaintiffs' apartment. Ibid. In this case, in contrast, "there were no clear signs of multiple residences on the exterior of the home" law enforcement searched, Pet. App. 3, the warrant allowed "a search of every portion of" the house, id. at 11, and petitioner does not provide a factual basis for concluding that officers knew or should have known that he neither lived in, nor had control over, the entire structure.

Petitioner notes (Pet. 7 n.4) that the Seventh Circuit in Jacobs cited the circuit's pre-Garrison decision United States v. Higgins, 428 F.2d 232 (1970). The warrant in Higgins "commanded the search of 'the premises known as basement apartment building at 4432-38 South Calumet Avenue.'" Id. at 234. "The building described in the warrant was a three-story building with four apartments on each floor and, in addition, three in the basement." Ibid. The court held the warrant was overbroad because it failed to identify "which apartment was to be searched," thus requiring police to search "all apartments until they discovered the one

they were looking for.” Id. at 234-235. But Garrison expressly “distinguish[ed] [its] facts * * * from a situation in which the police know there are two apartments on a certain floor of a building, and have probable cause to believe that drugs are being sold out of that floor, but do not know in which of the two apartments the illegal transactions are taking place.” 480 U.S. 88 n.13. And given that the officers here “correctly determined which subunit was [petitioner’s]” and “reasonably searched that residence,” Pet. App. 11, this case does not present circumstances like the ones in Higgins, supra.

Petitioner also cites (Pet. 9) the Sixth Circuit’s decision in United States v. Crumpton, 824 F.3d 593 (2016), but does not claim that decision conflicts with the court of appeals’ decision in this case. The defendant there raised a particularity challenge to a warrant for failing to specify his apartment as the place to be searched. See id. at 613. The search involved the entire structure, and evidence from every subunit was introduced at trial. See id. at 601, 615. Thus, while the court did say that “law enforcement officers are required to discontinue a search as soon as they discover that a location is in fact subdivided into separate dwelling units, especially if it is unclear which unit belongs to the subject of the warrant,” id. at 614 (brackets, citation, ellipsis, and internal quotations marks omitted), there is no reason to believe that the Sixth Circuit would hold that petitioner’s constitutional rights were violated where law

enforcement only found out that the house contained multiple units after entering it pursuant to a valid warrant; identified the unit belonging to petitioner; and only used evidence from that unit in the prosecution. See Pet. App. 2-3.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

D. JOHN SAUER
Solicitor General

A. TYSEN DUVA
Assistant Attorney General

W. CONNOR WINN
Attorney

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