

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

---

CAMERON EARL CAMPBELL,

PETITIONER,

vs.

UNITED STATES OF AMERICA,

RESPONDENT.

---

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

---

**CORRECTED PETITION FOR WRIT OF CERTIORARI**

---

MILES POPE  
Goddard Pope PLLC  
*Counsel of Record for Petitioner*  
967 E. Parkcenter Blvd, No. 1010  
Boise, ID 83706  
(208) 329-5671  
miles@goddard-pope.com

*Appointed Under the Criminal Justice Act of 1964*

### **QUESTION PRESENTED FOR REVIEW**

The police seized a traveler's belongings (including his cellphone), waited six days to apply for a search warrant, offered no justification for one of those days and—for another—said they were excused from working on the warrant application because “it was Valentine’s Day.” The question presented is whether this delay was constitutionally reasonable under the Fourth Amendment, as the Ninth Circuit held, just because the delay wasn’t longer than six days and the traveler, who did not consent to his belongings’ seizure, did not demand his luggage back.

## **PARTIES TO THE PROCEEDING**

Petitioner is Cameron Campbell, the defendant/appellant in the proceedings below.

Respondent is the United States of America.

## **STATEMENT OF RELATED PROCEEDINGS**

The proceedings identified below are directly related to the above-captioned case in this Court.

- *United States v. Campbell*, No. 4:20-cr-6018-SAB-2, U.S. District Court for the Eastern District of Washington (Spokane). Judgment entered May 3, 2024.
- *United States v. Campbell*, No. 24-2875, U.S. Court of Appeals for the First Circuit. Opinion entered August 25, 2025. Petition for rehearing or rehearing en banc denied on December 29, 2025.

## TABLE OF CONTENTS

|                                                                                                                                                                                                                                                  |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| QUESTION PRESENTED .....                                                                                                                                                                                                                         | i   |
| PARTIES TO THE PROCEEDING .....                                                                                                                                                                                                                  | ii  |
| STATEMENT OF RELATED PROCEEDINGS .....                                                                                                                                                                                                           | ii  |
| TABLE OF CONTENTS.....                                                                                                                                                                                                                           | iii |
| TABLE OF AUTHORITIES .....                                                                                                                                                                                                                       | iv  |
| OPINIONS BELOW .....                                                                                                                                                                                                                             | 1   |
| JURISDICTION.....                                                                                                                                                                                                                                | 1   |
| CONSTITUTIONAL PROVISION INVOLVED .....                                                                                                                                                                                                          | 1   |
| INTRODUCTION .....                                                                                                                                                                                                                               | 2   |
| STATEMENT OF THE CASE.....                                                                                                                                                                                                                       | 3   |
| REASONS FOR GRANTING THE PETITION.....                                                                                                                                                                                                           | 6   |
| A.    The Ninth Circuit misapplied this Court’s precedents in analyzing<br>the nature and weight of Mr. Campbell’s interests in his luggage<br>and cellphone.....                                                                                | 7   |
| B.    The Ninth Circuit misapplied this Court’s precedents by<br>upholding the reasonableness of a delayed search based on its<br>sheer—purportedly short—length, as opposed to demanding<br>justification for the full extent of the delay..... | 9   |
| C.    The Ninth Circuit erred—and created a circuit split—when it held<br>that Mr. Campbell needed to demand his property back to assert<br>his possessory interest in it.....                                                                   | 12  |
| CONCLUSION.....                                                                                                                                                                                                                                  | 14  |

## **INDEX TO APPENDICES**

|                                                                                                                   |        |
|-------------------------------------------------------------------------------------------------------------------|--------|
| Appendix A: U.S. Court of Appeals Ninth Circuit Opinion Affirming<br>Conviction and Sentence (Aug. 25, 2025)..... | App-1  |
| Appendix B: U.S. District Court Judgment (May 3, 2024) .....                                                      | App-4  |
| Appendix C: U.S. Court of Appeals Ninth Circuit Order Denying Petition<br>for Rehearing (Dec. 29, 2025) .....     | App-11 |

## **TABLE OF AUTHORITIES**

### **Cases**

|                                                                                                     |         |
|-----------------------------------------------------------------------------------------------------|---------|
| <i>Riley v. California</i> , 573 U.S. 373 (2014).....                                               | 3, 8, 9 |
| <i>United States v. \$191,910.00 in United States Currency</i> , 16 F.3d 1051 (9th Cir. 1994) ..... | 8       |
| <i>United States v. Burgard</i> , 675 F.3d 1029 (7th Cir. 2012) .....                               | 10      |
| <i>United States v. Campbell</i> , 2025 U.S. App. LEXIS 33853 (9th Cir. Dec. 29, 2025) ....         | 6       |
| <i>United States v. Christie</i> , 717 F.3d 1156 (10th Cir. 2013) (Gorsuch, J.) .....               | 14      |
| <i>United States v. Dass</i> , 849 F.2d 414 (9th Cir. 1988) .....                                   | 10      |
| <i>United States v. Gill</i> , 280 F.3d 923 (9th Cir. 2002) .....                                   | 10      |
| <i>United States v. Johns</i> , 469 U.S. 478 (1985).....                                            | 13      |
| <i>United States v. LaFrance</i> , 879 F.2d 1 (1st Cir. 1989) .....                                 | 8       |
| <i>United States v. Laist</i> , 702 F.3d 608 (11th Cir. 2012) .....                                 | 12      |
| <i>United States v. Mitchell</i> , 565 F.3d 1347 (11th Cir. 2009).....                              | 12, 14  |
| <i>United States v. Puglisi</i> , 723 F.3d 779 (11th Cir. 1984).....                                | 8       |
| <i>United States v. Sullivan</i> , 797 F.3d 623 (9th Cir. 2015) .....                               | 13      |

### **Statutes**

|                           |   |
|---------------------------|---|
| 18 U.S.C. § 1349.....     | 1 |
| 28 U.S.C. § 1254(1) ..... | 1 |

### **Constitutional Provisions**

|                             |   |
|-----------------------------|---|
| U.S. Const. amend. IV ..... | 1 |
|-----------------------------|---|

### **OPINIONS BELOW**

The Ninth Circuit's opinion is reprinted in the Appendix to the Petition.

### **JURISDICTION**

On August 25, 2025, the United States Court of Appeals for the Ninth Circuit entered its decision affirming the petitioner's conviction on one count of possession with the intent to distribute 400 grams or more of fentanyl in violation of 21 U.S.C. § 841(a)(1), (b)(1)(a)(iv). This Court has jurisdiction under 28 U.S.C. § 1254(1).

### **CONSTITUTIONAL PROVISION INVOLVED**

United States Constitution, Amendment IV:

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.

## INTRODUCTION

This Court should grant certiorari. ***First***, the Ninth Circuit’s decision below made a set of all-too-common errors in analyzing the reasonableness of a delay between seizing a traveler’s belongings and applying for a warrant to search them: 1) it gave unlawfully diminished weight to the interests a traveler enjoys in their luggage and cellphone; and 2) it upheld the reasonableness of a delay based on its sheer—purportedly short—length, as opposed to demanding justification for the full extent of the delay.

***Second***, the court of appeals also created a circuit split on the issue of whether an out-of-custody defendant’s failure to demand his property back—following a *nonconsensual* seizure of that property by the police—diminishes his possessory interest in that property. The Seventh and Tenth Circuits correctly hold that when an out-of-custody defendant’s belonging’s are nonconsensually seized by the police, the defendant does not need to take steps, such as demanding his property back from the police who just nonconsensually seized it, to assert his possessory interests in that property. Below, however, the Ninth Circuit held Mr. Campbell’s possessory interest in his luggage, and his cellphone, was diminished because he did not insist that the police return his property to him after they rolled up on him in force and seized it from him right as he was getting off a long-haul bus.

The Court should grant certiorari. This case presents an ideal vehicle to both resolve a circuit split on how to analyze an individual’s possessory interest in their

property, and to update the lower courts on how to conduct constitutional unreasonable-delay analysis in the wake of this Court’s decision in *Riley v. California*, 573 U.S. 373 (2014), in one fell swoop.

### **STATEMENT OF THE CASE**

Beginning in summer 2019, law enforcement began an investigation into suspected fentanyl trafficking in the Tri-Cities area of Washington State (3-ER-2081). Initially, that investigation focused on people other than Cameron Campbell, including his brother, Kyle (*id.*). But starting in January 2020, the police came to believe that Mr. Campbell was also involved in drug trafficking and began focusing law enforcement attention on him (3-ER-212). Through their investigation, the police developed evidence linking Mr. Campbell to suspected drug-runs to Mexico, during which, the police believed, Mr. Campbell would cross into Mexico, obtain drugs, and then ferry them back to the Tri-Cities area for further distribution (*id.*).

On February 6, 2020, based on this information, the police obtained a location-tracking warrant for Mr. Campbell’s cellphone (3-ER-237). A day later, Mr. Campbell’s cellphone traveled (by bus) to the US/Mexico border at San Ysidro, California (3-ER-216). Using real-time border-crossing information, the police observed Mr. Campbell cross the US/Mexico border one time on February 9, 2020; three times on February 10; three times on February 11; and twice on February 12 (3-ER-217). Using cellphone location data, the police then tracked Mr. Campbell as

---

<sup>1</sup> “ER” refers to the excerpts of record filed with Mr. Campbell’s opening brief before the Ninth Circuit Court of Appeals. “App.” refers to the appendix to this petition. “OB” refers to Mr. Campbell’s opening brief in the Ninth Circuit; “AB” to the government’s answering brief; “RB” to Mr. Campbell’s reply brief.

he bussed back to the Tri-Cities area over the course of February 12 and February 13 (3-ER-217-218).

The bus carrying Mr. Campbell arrived in Toppenish, Washington at approximately 5:15 p.m. on February 13, 2020, and law enforcement was there to meet it (*id.*). After Mr. Campbell alighted, the police intercepted him and—acting without a warrant—seized his belongings: a duffel bag, a backpack, a clear plastic bag, and his cellphone (3-ER-218-219). They took his belongings into custody, but they let Mr. Campbell go (*id.*).

Despite seizing Mr. Campbell's belongings on February 13, the police did not apply for a search warrant until six days later—February 19, 2020 (3-ER-222).

Indeed, there is no indication that the police conducted any warrant-related investigation or activity *at all* between February 13 and February 19.

- On Friday, February 14, 2020, the police chose to prioritize obtaining bus-station security footage—which the government conceded was not necessary to support probable cause to search Mr. Campbell's belongings—instead of preparing the warrant (3-ER-220; 2-ER-86).
- The police then took Saturday, February 15, Sunday February 16, and Monday, February 17 off (2-ER-83-84).
- And, despite being back at work, they did nothing warrant-related on Tuesday, February 18, either (2-ER-83).

On Wednesday, February 19, the police finally submitted a search-warrant application for the items they had seized on February 13. But for 12 new paragraphs, that warrant application was materially indistinguishable from the location-tracking warrant application that the police had submitted on February 6.

Execution of this belatedly-obtained search warrant unearthed evidence,

including drugs, that formed the basis of Mr. Campbell's federal drug-trafficking charges (2-ER-31). After being federally charged, Mr. Campbell moved to suppress this evidence, arguing, among other things, that the six-day delay between when the police seized Mr. Campbell's belongings and when they searched them was constitutionally unreasonable (2-ER-108-118).

At the suppression hearing, the government acknowledged that the police "didn't really do much" between February 13 and February 19, when they submitted the warrant application (2-ER-86). Instead, it primarily sought to defend the delay between the seizure of Mr. Campbell's belongings and the application to search them by arguing that either all—or most—of the police officers investigating this case had taken four days in a row off right after they seized Mr. Campbell's luggage. According to the government's presentation, virtually every police officer assigned to Mr. Campbell's case had taken February 14 off because it was Valentine's Day (2-ER-83). They then took Saturday and Sunday off because it was the weekend (2-ER-88). And they had also, apparently, all decided to work a schedule of "four tens," meaning they all took Monday off too (*id.*). While it at least attempted to provide an adequate justification for the police's failure to apply for a search warrant between February 14 and February 17, the government provided no explanation, whatsoever, for why the police were unable to apply for the warrant on Tuesday, February 18, when they were all concededly back at work.

At the close of the suppression hearing, the district court expressed grave reservations about the reasonableness of the six-day delay in Mr. Campbell's case,

telling the government’s attorney: “you’re in serious trouble on the Cameron Campbell search” (2-ER-84). But then, two weeks later, the district court denied Mr. Campbell’s suppression motion, ruling that the six-day delay was constitutionally reasonable even though it was “unclear why law enforcement waited for 6 days to request a warrant” (1-ER-13).

Mr. Campbell then appealed, and the panel affirmed. Without addressing the circumstances under which Mr. Campbell’s belongings were seized—or the nature of those belongings—it concluded that Mr. Campbell had diminished possessory interests simply because “he did not seek return of his belongings.” App-2. It also concluded the government’s interests were heightened because 1) “probable cause justified the seizure” and 2) the six-day delay “included four [sic<sup>2</sup>] off-duty days” and was “similar to delays that we have upheld previously.” App-2, App-3. The panel did not address the government’s wholesale lack of justification for taking as long as it did to seek a search warrant in this case.

Mr. Campbell’s petition for rehearing en banc was denied on December 29, 2025. *See United States v. Campbell*, 2025 U.S. App. LEXIS 33853 (9th Cir. Dec. 29, 2025). He now petitions for certiorari.

### **REASONS FOR GRANTING THE PETITION**

Certiorari is warranted because the Ninth Circuit’s opinion conflicts with the precedent of other circuits and this Court’s authorities. ***First***, the Ninth Circuit misapplied this Court’s precedents in analyzing the nature and weight of Mr.

---

<sup>2</sup> As the government’s brief acknowledged, at least one member of the task force investigating Mr. Campbell was working on Valentine’s Day (AB at 36).

Campbell's interests in his luggage and cellphone. ***Second***, it misapplied this Court's precedents by upholding the reasonableness of a delay based on its sheer—purportedly short—length, as opposed to demanding justification for the full extent of the delay. ***Third***, it held that Mr. Campbell had diminished possessory interest in his luggage and cellphone because he did not demand those items back from the police after they were nonconsensually seized—an error that creates a circuit split in how the courts of appeals analyze this crucially important dimension of Fourth Amendment unreasonable-delay law.

**A. The Ninth Circuit misapplied this Court's precedents in analyzing the nature and weight of Mr. Campbell's interests in his luggage and cellphone.**

***First***, the Ninth Circuit erred by fundamentally misconstruing the nature of the constitutional interests at play in this case.

1. To begin, the panel misconstrued the nature of Mr. Campbell's interests in his property. At the outset of its discussion of Mr. Campbell's interests in his seized belongings, the panel asserted that the seizure in this case only affected Mr. Campbell's "possessory interests." App-2. But that's flatly contrary to controlling precedent. Where, as here, the police seize a *traveler's* luggage, that seizure "intrudes on *both* the suspect's possessory interest in his luggage *as well as his liberty interest* in proceeding with his itinerary." *United States v. Place*, 462 U.S. 696, 708 (1983). The Ninth Circuit's contrary holding contravenes this Court's precedent and warrants certiorari review.

This is particularly true because the panel’s error strikes at the heart of one of the most important constitutional interests citizens enjoy. As Mr. Campbell pointed out in his briefing, courts have recognized that a traveler’s liberty interests weigh heavily against the government in luggage-seizure cases because a traveler often has “his most important and private possessions in his suitcase” without which he will be hampered in pursuing his daily activities and plans (RB at 12-13 (quoting *United States v. Puglisi*, 723 F.3d 779, 786 (11th Cir. 1984)); *see also* *United States v. \$191,910.00 in United States Currency*, 16 F.3d 1051, 1060 (9th Cir. 1994) (“Time *qua* time is of concern in the luggage seizure cases because of the concomitant impingence on liberty” (quoting *United States v. LaFrance*, 879 F.2d 1, 9 (1st Cir. 1989)). By overlooking Mr. Campbell’s liberty interest, therefore, the panel substantially undervalued Mr. Campbell’s overall constitutional interests in this case. For this reason, certiorari is called for.

2. The panel also violated this Court’s precedent in *Riley v. California*, 573 U.S. 373 (2014), by holding that Mr. Campbell had diminished interest in—not just his luggage—but also his cellphone. As this Court has held, people have a heightened constitutional interest in their cellphones because, like computers, cellphones “contain the most intimate details of our lives.” *Id.* at 393. While *Riley* discusses the significance of this fact in the context of evaluating the strength of people’s privacy interests in their cellphones, federal appellate courts repeatedly recognize that people have a heightened *possessory* interest in their cellphones as well. *See, e.g., United States v. Jackson*, 132 F.4th 1019, 1021 (7th Cir. 2025)

(emphasizing the strong “value of [people’s] *possessory* interest” in their cellphones (emphasis added)); *United States v. Babcock*, 924 F.3d 1180, 1191 (9th Cir. 2019) (same); *United States v. Pratt*, 915 F.3d 266, 272 (4th Cir. 2019) (same).

Even though Mr. Campbell focused on his heightened interest in his cellphone in briefing and at oral argument, the Ninth Circuit did not so much as mention this issue in its decision affirming the district court’s order denying Mr. Campbell’s motion to suppress. Instead, it treated Mr. Campbell’s cellphone as of-a-piece with the rest of the belongings the police seized from him. *See* App-2. This analytical approach conflicts with this Court’s view that weighty constitutional interests are implicated by the government’s seizure of individual’s cellphones, and it conflicts with the analytical approach taken by other circuits in Fourth Amendment unreasonable-seizure cases. Certiorari is warranted to correct this mistake, as well.

**B. The Ninth Circuit misapplied this Court’s precedents by upholding the reasonableness of a delay based on its sheer—purportedly short—length, as opposed to demanding justification for the full extent of the delay.**

The Ninth Circuit analysis of the government’s justification for the delay in searching Mr. Campbell’s belongings also warrants certiorari review. This Court’s precedent is clear: the only government interests that matter in a Fourth Amendment unreasonable delay case are those that are “alleged to *justify*” the delay between seizure and search. *Place*, 462 U.S. at 703. For this reason, when a court

evaluates the strength of the government’s interest in delaying a search, it must focus on “whether the police *diligently pursue[d]* their investigation”—not simply on how long the investigation happened to take. *United States v. Burgard*, 675 F.3d 1029, 1033 (7th Cir. 2012) (emphasis added). The Ninth Circuit Court of Appeals originally applied this test with the strictness the Fourth Amendment demands, but, over time, it has increasingly declined to demand full justification from the government for delays between the seizure of property and applying for a warrant to search it. *Compare United States v. Dass*, 849 F.2d 414 (9th Cir. 1988) (seven-day delay unreasonable), *with United States v. Gill*, 280 F.3d 923, 929 (9th Cir. 2002) (ten-day delay reasonable).

The Ninth Circuit’s opinion here did not follow *Place*’s clear directive requiring the police to justify the full measure of the delay between seizure and search. Instead of focusing on the government’s purported justification for the six-day delay between when Mr. Campbell’s belongings were seized and when they were searched, the Ninth Circuit simply asserted that the delay passed constitutional muster because the police had probable cause to believe Mr. Campbell’s belongings contained evidence of drug trafficking and because the six-day delay, including four off-duty days, was similar in length to delays the Ninth Circuit has previously upheld. *See App-3*.

Neither of these factors support a strong government interest in this case. With respect to probable cause, this Court has recognized that “a seizure reasonable at its inception because based upon probable cause may become unreasonable as a

result of its duration.” *Segura v. United States*, 468 U.S. 796, 812 (1984). And as for the duration of the delay itself, the Ninth Circuit’s focus on the sheer length of the delay in this case contravened binding precedent that required the panel to look, instead, at the proffered justification for the delay. *See Place*, 462 U.S. at 703.

The panel’s error had real consequences in this case. Before the district court, the government wholly failed to justify the six-day delay between when the police seized Mr. Campbell’s belongings and when they searched them. Instead, it is clear from the record that the police chose to spend February 14, 2020—which the government misleadingly characterized as an “off-duty day”—conducting an irrelevant investigation instead of drafting the search warrant. They then took three days off, electing to maintain a four-tens work schedule for the week of February 16 despite having seized a citizen’s property the week before. And, even after the police all returned to work, they waited a full extra day—for which the government offered *no* justification—before submitting the warrant application.

A proper focus on the alleged justification for the delay in this case, therefore, reveals that that delay was patently unjustified. In stark contrast to other unreasonable delay cases, the government here offered no evidence that the police officers were reasonably busy with other matters or investigations that took them away from warrant prep. *Cf. United States v. Mitchell*, 565 F.3d 1347, 1352 (11th Cir. 2009). It failed to assert that the complexity of the investigation justified the delay—nor could it have, given that the warrant application the police eventually submitted was basically a cut-and-paste job from a prior application, containing just

a small handful of basic paragraphs summarizing Mr. Campbell’s travels. *Cf. United States v. Laist*, 702 F.3d 608, 614 (11th Cir. 2012); *see also Mitchell*, 565 F.3d at 1350 (“boilerplate nature” of warrant application and fact that very little of it was “original content” supported finding of unreasonable delay). Nor did it make any showing that the police were overwhelmed or resource strapped. *Cf. Pratt*, 915 F.3d at 272 (whether law enforcement’s “resources were overwhelmed” a factor in whether delay was reasonable).

Simply put, by failing to apply the correct test for whether the government’s interests justified the delay in this case, the panel erred—and reached the wrong ultimate result in this case as a consequence. Certiorari is called for to correct this constitutional mistake and misapplication of this Court’s precedent.

**C. The Ninth Circuit erred—and created it a circuit split—when it held that Mr. Campbell needed to demand his property back to assert his possessory interest in it.**

*Finally*, the Ninth Circuit erred when it held that Mr. Campbell’s possessory interests in his luggage were “reduced because he did not seek return of his belongings.” App-2. In support of this analysis, the Ninth Circuit cited its decision in *Sullivan*, which, in turn, cited this Court’s decision in *United States v. Johns*, 469 U.S. 478 (1985), for the proposition that a defendant who “never sought return of [his] property” had a reduced interest in it. *United States v. Sullivan*, 797 F.3d 623, 633-34 (9th Cir. 2015). Critically, however, *Johns* involved defendants who were *in custody* for the entire duration between when the police seized their belongings and

when those belongings were searched. *See Johns*, 469 U.S. at 481, 487. By contrast, Mr. Campbell was out-of-custody for the entire duration of the six-day delay in this case. *Johns* does not support the panel’s reasoning in this case.

In addition to being precedentially unsupported, the panel’s decision also conflicts with other circuits to have addressed this issue. In *Jackson*, for example, the Seventh Circuit held that when a defendant is not in custody he is “presumptively entitled to . . . his possessions” in the context of a Fourth Amendment unreasonable-delay claim. 132 F.4th at 1021. Under this analysis, unlike the panel’s, an out-of-custody defendant does not need to demand his property back to somehow verify or assert his possessory interest in it. As *Jackson* notes, the circuits have—until the panel’s decision—been uniform in their treatment of this issue: *out-of-custody* defendants presumptively retain full possessory interests in seized property regardless of whether they demand it back, and it is only *in-custody* defendants who need to take further steps to assert their . *See id.* (citing *United States v. Mitchell*, 565 F.3d 1347 (11th Cir. 2009) and *Pratt*, 915 F.3d 266).

Similarly, in *United States v. Christie*, now-Justice Gorsuch held that there is a crucial difference between a defendant who consents to seizure of their property and one who, like Mr. Campbell, does not. When the police seize a person’s property “*without* the consent of the . . . owner” they “at least presumptively impair[] [the owner’s] possessory interest in it.” *United States v. Christie*, 717 F.3d 1156, 1163 (10th Cir. 2013) (Gorsuch, J.). It is only when property “is seized *with* . . . consent

*and* no one . . . bearing a potential interest in the [property] complains about the resulting delay” that “the degree of prejudice appears in an altogether different—and paler—light.” *Id.* (emphases added).

*Jackson* and *Christie* both draw on the same, limited body of caselaw governing Fourth Amendment claims of unreasonable delay to reach what has heretofore been the uniform circuit view: out-of-custody (in *Jackson*) defendants who do not consent (in *Christie*) to the seizure of their belongings presumptively retain possessory interests in them. The panel’s analysis in this case contravenes this consensus, holding, for the first time, that defendants must demand their property back to assert their possessory interests in it—even *if* they are out of custody, and *even if* they did not consent to the seizure in the first place.

Certiorari is necessary to correct this error. The panel’s approach is at odds with the approach of every other circuit to have squarely considered this issue. And, because it ultimately places an unreasonable burden on individual defendants to demand their seized property back from the police (as opposed to placing the onus on government actors to proactively minimize their intrusions on citizens’ possessory interests), it is exceptionally important that the Court correct this mistake.

### **CONCLUSION**

For the reasons stated above, certiorari is warranted, and Mr. Campbell respectfully asks the Court to grant it.

Date: June 10, 2026

Respectfully Submitted,

s/Miles Pope

Miles Pope

Goddard Pope PLLC

367 E. Parkcenter Blvd. No. 1010

Boise, ID 83706

(208) 329-5671

miles@goddard-pope.com

*Attorney for Petitioner*