

No. 25A-____

In the Supreme Court of the United States

BILLY PUCKETT,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondents.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT**

TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE AND CIRCUIT JUSTICE
FOR THE EIGHTH CIRCUIT:

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, applicant Billy Puckett respectfully requests a 30-day extension of time, to and including November 26, 2025, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit in this case.

The Eighth Circuit denied a timely request for rehearing on July 29, 2025. Unless extended, the time to file a petition for a writ of certiorari will expire on October 27, 2025. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1). Copies of the lower court's decision and its order denying rehearing are attached as Exhibits A and B, respectively.

1. This case concerns the Fourth Amendment limits on a police officer's ability to ask investigatory questions unrelated to a routine traffic stop's mission. A state trooper pulled over Billy Puckett for driving with a handicap placard hanging from

his rearview mirror and for not wearing a seatbelt. After the trooper obtained Mr. Puckett's license and insurance information, he asked Mr. Puckett whether he had ever been arrested. Mr. Puckett said he had "over ten years ago" and, in response to further questioning, acknowledged he was a registered sex offender. The trooper then asked Mr. Puckett to join him in the patrol car, and Mr. Puckett complied.

In the car, the trooper ran a computerized check and, while the check was running, asked Mr. Puckett about his criminal history, including if he was "on the straight and narrow," if he had "[anything] going on," and if he had ever been arrested for "drugs or anything like that." Within two minutes, the computer system was done. It had populated Mr. Puckett's criminal history, checked his license and registration, and provided information about his sex offender registration.

After the computer check had finished, the trooper continued questioning Mr. Puckett. He asked if Mr. Puckett had anything illegal, to which Mr. Puckett said no. He asked if Mr. Puckett had any drugs or stolen items, to which Mr. Puckett said no. After 20 seconds of this questioning, the trooper said, "you don't mind me searching your vehicle," and Mr. Puckett acquiesced.

During the vehicle search, the trooper "grabbed" Mr. Puckett's cell phone, and the screen lit up. The trooper saw social media icons on the screen and would later testify that he had not seen social media accounts listed on Mr. Puckett's sex offender registration. The trooper asked Mr. Puckett about his phone, including if he had "any images, apps, anything you're not supposed to have?" And, over the course of roughly three minutes, he requested consent to search the phone five different times.

The final time, the trooper said he wanted to look through Mr. Puckett's phone, "if you don't mind," to which Mr. Puckett replied, "I don't mind." While looking

through the phone—and continuing to ask Mr. Puckett questions—the trooper identified what he believed to be child pornography, and he arrested Mr. Puckett, nineteen minutes after the stop had begun.

The magistrate judge recommended denying Mr. Puckett’s motion to suppress evidence obtained during the traffic stop (D. Ct. Doc. 31), and the district court denied the motion (D. Ct. Doc. 37). The court of appeals affirmed the denial of the motion to suppress, reasoning that “brief” questioning unrelated to the traffic stop “did not impermissibly prolong it.” Ex. A at 7. The Eighth Circuit denied rehearing en banc over dissent by Judge Grasz. Ex. B. Judge Grasz believed the panel opinion “conflict[s] with a majority of all the other circuits” on “a question of exceptional importance and “cannot be reconciled” with this Court’s decision in *Rodriguez v. United States*, 575 U.S. 348 (2015). Ex. B at 1-2.

The petition for certiorari will demonstrate that the Court’s review is warranted to resolve a conflict among the courts of appeals that have embraced “starkly divergent interpretations of *Rodriguez*.” *United States v. Green*, 897 F.3d 173, 180-181 (3d Cir. 2018); Ex. B at 1-2 (Grasz, J., dissenting from denial of rehearing en banc). Courts of appeals and a state court of last resort have held that officers asking unrelated investigatory questions prolongs the traffic stop and thus violates the Fourth Amendment. See, e.g., *United States v. Clark*, 902 F.3d 404, 410-411 (3d Cir. 2018) (“criminal history questioning” lasting 20 seconds and “not tied to the traffic stop’s mission” after computerized checks are complete violates Fourth Amendment; “there is no *de minimis* exception”); *United States v. Campbell*, 26 F.4th 860, 884-885 (11th Cir. 2022) (en banc) (questioning unrelated to the traffic stop that “extended the stop by approximately twenty-five seconds” is impermissible given that this Court

“rejected the Eighth Circuit’s *de minimis* rule” tolerating “minor extensions”); *State v. Karst*, 170 Idaho 219, 223 (2022) (holding driver for nineteen seconds to call canine unit was unrelated investigatory activity that “prolonged” the stop; “there is no *de minimis* intrusion justification”). Other courts—like the court of appeals below—have blessed officers injecting unrelated investigatory questions or activities into traffic stops. See, e.g., *State v. Vetter*, 2019 N.D. 138, ¶¶ 16-17 (2019) (“minor inefficiencies in traffic stops” of 16 seconds to “investigat[e] other crimes” does not violate the Fourth Amendment); *State v. Wright*, 386 Wis.2d 495, 513-514 (2019) (“*de minimis*” “amount of time” asking questions “unrelated to the mission of the traffic stop” is permissible).

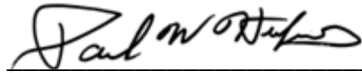
2. Good cause exists for an extension of time to prepare a petition for a writ of certiorari in this case. Undersigned counsel has, and has had, several other matters with proximate due dates, including a petition for rehearing in *Hoak v. Plan Administrator of the Plans of NCR Corporation*, No. 24-12148 (11th Cir.), filed on October 7, 2025; an opening brief in *Newark Property Association v. State of Delaware*, No. 2025-1031-LWW (Del. Ch.), filed on October 10, 2025; a brief in opposition to certiorari in *Hoffmann v. WBI Energy Transmission, Inc.*, No. 25-159 (U.S.), filed on October 10, 2025; an opening brief in *Vanda Pharmaceuticals Inc. v. FDA*, No. 25-1105 (D.C. Cir.), filed on October 14, 2025; an answering brief in *Newark Property Association v. State of Delaware*, No. 2025-1031-LWW (Del. Ch.), filed on October 16, 2025; a response brief in *Capital Security Systems, Inc. v. NCR Corporation*, No. 25-11532 (11th Cir.) due October 20, 2025; a hearing on the merits in *Newark Property Association v. State of Delaware*, No. 2025-1031-LWW (Del. Ch.) on October 20, 2025; a reply brief in *O’Dell v. Aya Healthcare Services, Inc.*, No. 25-1528 (9th Cir.), due October 29, 2025;

a summary judgment opposition and reply brief in *Vanda Pharmaceuticals Inc. v. FDA*, No. 23-cv-2812 (D.D.C.), due October 29, 2025; an opening brief in *Bakhai v. BDO USA, P.C.*, No. 25-12797 (11th Cir.), due October 30, 2025; and a brief in opposition to certiorari in *JFXD TRX ACQ LLC v. trx.com*, No. 25-188 (U.S.), due November 5, 2025.

For the foregoing reasons, the application for a 30-day extension of time, to and including November 26, 2025, within which to file a petition for a writ of certiorari in this case should be granted.

October 17, 2025

Respectfully submitted.

A handwritten signature in black ink, appearing to read "Paul W. Hughes", is written over a horizontal line.

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