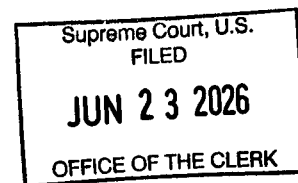


26-158



No. _____

In the
Supreme Court of the United States

CARIL SIMMONS AND CRAIG GRIFFIN,

Petitioners,

v.

INCORPORATED VILLAGE OF
ROCKVILLE CENTRE, NEW YORK, ET AL.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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BOSTON, MASSACHUSETTS

QUESTIONS PRESENTED

1. Warrantless Entry Based on an "Objectively Reasonable" Possible Hazard Theory

Whether the Fourth Amendment recognizes a non-emergency hazard exception permitting a full multi-departmental forced entry into private curtilage when no occupant is present, entering officials testified that they perceived no emergency requiring immediate action, but entered to determine what they would confront if at a later time they had to respond to a fire, and whether those officials are entitled to qualified immunity based upon the conclusion that an objectively reasonable firefighter or building inspector could have believed that an immediate search of the premises for hazardous conditions was necessary to protect the public from an exigent risk of fire.

2. Curtilage and the Administrative Inspection Implied License Exception "Mailman's View Standard"

Whether government officials who go to residential property for the sole purpose of conducting an administrative inspection within privately maintained and fenced curtilage where an expectation of privacy exists may circumvent the Fourth Amendment's warrant and consent requirements by characterizing such inspection observations as made within "publicly accessible areas," affording the same implied license as ordinary visitors, delivery personnel, or mail carriers.

3. Summary Judgment and Disputed Facts

Whether courts at summary judgment may place upon plaintiffs the burden of disproving an emergency, weigh evidence, and resolve disputed facts in favor of

government officials in determining qualified immunity and determine the applicability of exceptions to the warrant requirement for intrusions into the home and its curtilage based on disputed facts and inconsistent assertions by government officials.

4. Fourth Amendment Standing and New “Temporal Context”

Whether an individual accepted into a household must provide “temporal context” detailing the exact timing and frequency of occupancy to establish a reasonable expectation of privacy and Fourth Amendment standing, contrary to this Court’s decisions recognizing that social guests, family members, and regular occupants possess constitutionally protected privacy interests arising from their relationship with the household.

5. Federal Rule of Civil Procedure Heightened Pleading Standards

Whether Federal Rule of Civil Procedure 8 permits dismissal of civil rights claims brought under 42 U.S.C. § 1983 as “too vague” despite allegations describing specific governmental conduct, identifying the constitutional rights at issue, and implicating both the search and seizure protections of the Fourth Amendment.

PARTIES TO THE PROCEEDINGS

Petitioners and Plaintiffs-Appellants

- **CARIL SIMMONS**, individually, and as Caril Simmons administratrix of the estates of Charles Griffin and Geraldine Griffin, deceased
- **CRAIG GRIFFIN**

Respondents and Defendants-Appellees

- **INCORPORATED VILLAGE OF ROCKVILLE CENTRE**, All Employees, Agents, Servants, Volunteers, Identified and Unidentified, Without Exception Within Such Legal Identity in Their Official Capacity, Including Individuals Listed Individually
- **JOHN GOOCH**, Building Inspector, Individually
- **DANIEL CASELLA**, Building Superintendent, Individually
- **FRANCIS X. MURRAY**, Mayor, Individually
- **THOMAS BUNTING**
- **JOHN THORP**, Fire Chief, Individually
- **PETER KLUGEWICZ**, Chief Fire Safety Inspector, Individually

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Second Circuit

No. 24-2021

Caril Simmons, et al., *Plaintiffs-Appellants* v.
Incorporated Village of Rockville Centre, et al.,
Defendants-Appellees.

Final Order: October 21, 2025

Rehearing Denial: February 9, 2026

U.S. District Court, Eastern District of New York

No. 14-CV-4491

Caril Simmons, et al., *Plaintiffs* v. Incorporated
Village of Rockville Centre, et al., *Defendants*

Memorandum Order: June 27, 2024

Entry of Judgment: June 28, 2024

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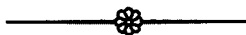
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OPINIONS BELOW

The judgment of the United States Court of Appeals for the Second Circuit, No. 24-2021, was entered on October 21, 2025. App.1a. The memorandum opinion of the United States District Court for the Eastern District of New York, No. 2:14-cv-04491 (HG) (AYS) was entered on June 27, 2024. App.14a The district court's judgment was entered on June 28, 2024. App.35a.



JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1). The United States Court of Appeals for the Second Circuit entered judgment on October 21, 2025. App.1a. The court denied Rehearing and Rehearing En banc on February 9, 2026. App.99a. Pursuant to Supreme Court Rule 13 and the extension granted by Justice Sotomayor, the time to file a petition for a writ of certiorari was extended to June 24, 2026. Sup. Ct. No. 25A1194.



CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const., amend. 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 has repeatedly emphasized that the home occupies a unique status under the Fourth Amendment and that warrantless governmental intrusion into a home is "the chief evil against which the wording of the Fourth Amendment is directed." *Payton v. New York*, 445 U.S. 573, 585 (1980). Yet the decision below permits municipal officials to bypass the Fourth Amendment's warrant and consent requirements and conduct searches and administrative inspections of private residences based not upon an identified emergency requiring immediate action, but upon an "objectively reasonable" belief that hazardous conditions might exist and should be investigated in advance of any future emergency.

The decision below effectively creates a new category of warrantless entry and qualified immunity untethered from existing Fourth Amendment doctrine: an "objectively reasonable" non-emergency hazard search. This hybrid standard is neither the emergency-aid exception nor the administrative-search framework recognized in *Camara v. Municipal Court*, 387 U.S. 523 (1967), and *See v. City of Seattle*, 387 U.S. 541 (1967). It authorizes immediate entry based not on a contemporaneously perceived emergency, but on a speculative

assessment that an official *could have believed* that a hazard might exist.

In addition, the decision below articulates a novel “temporal context” requirement for Fourth Amendment standing, requiring individuals accepted into a household to plead the timing and frequency of occupancy at the pleading stage. That requirement is not found in this Court’s standing precedents and materially narrows the privacy interests and Fourth Amendment protections historically recognized for family members, social guests, and other household members.

The decision below further creates an exception to the Fourth Amendment to permit government officials to bypass the Fourth Amendment’s warrant and consent requirements by characterizing fenced and privately maintained curtilage where an expectation of privacy exists as “publicly accessible areas” and analogizing administrative searches and inspections to where a “mail carrier would walk.” That reasoning conflicts with *Florida v. Jardines*, *Collins v. Virginia*, and long-standing curtilage doctrine, which recognizes that the implied license to approach a home does not extend to officials whose purpose is to conduct an investigation or administrative inspection.

Federal Rule of Civil Procedure 8(a) requires only a “short and plain statement of the claim showing that the pleader is entitled to relief,” and Rule 8(e) provides that “[p]leadings must be construed so as to do justice.” Federal courts liberally construe pro se pleadings to ensure that unrepresented litigants receive the benefit of those principles. Petitioners’ allegations describe specific governmental conduct, identify the constitutional rights at issue, provide fair notice of the claim, and implicate both the search and seizure protections of

the Fourth Amendment. They are neither conclusory nor vague. Nevertheless, the Court of Appeals affirmed dismissal on the ground that the allegations were "vague," effectively imposing a heightened pleading standard under Rule 8 and creating barriers to relief under 42 U.S.C. § 1983 for constitutional deprivations committed under color of law.

The constitutional questions presented here arise frequently in the context of municipal inspections and code enforcement activities throughout the country. These recurring issues are nationally significant and warrant this Court's review. Local officials regularly conduct inspections of residential property for potential safety or maintenance issues. Courts of appeals have generally recognized that such inspections must comply with the warrant requirement absent true exigent circumstances, and that Fourth Amendment protection does not vary with the property's aesthetics, level of affluence, or the perceived condition of a dwelling. Administrative searches and seizures of private residences generally require judicial authorization, absent consent or a recognized exigency.

In short, the decision below expands the scope of warrantless entry and permits warrantless governmental intrusion into private curtilage based upon a novel "objectively reasonable" hazard rationale instead of a contemporaneously perceived emergency, extends qualified immunity beyond established Fourth Amendment doctrine, narrows recognized privacy interests, heightens pleading standards and departs from settled summary-judgment principles. The questions presented are important, recurring, and warrant this Court's review.



PROCEDURAL HISTORY

The procedural history relevant to the Questions Presented is summarized below.

Petitioners commenced this action pro se on July 25, 2014, asserting claims under 42 U.S.C. § 1983 and New York State law, arising from warrantless entries, searches, seizures, trespasses, due process violations and related governmental actions affecting the Griffin family and their residence in Rockville Centre, New York. The case was litigated in district court for nearly ten years and dismissed June 28, 2024. App.35a. Petitioners timely appealed to the United States Court of Appeals for the Second Circuit, which affirmed the district court's judgment on October 21, 2025, remanded a procedural issue concerning estate representation, App.1a, and denied Rehearing and Rehearing En banc on February 9, 2026. App.99a. During the course of this litigation, various claims and parties were dismissed.

In November 2014, Petitioners retained counsel, and the litigation thereafter proceeded through amended pleadings and motion practice.

Petitioners' counsel was unable to continue representation because of an unrelated matter in January 2016. In September 2016, Petitioners retained an associate of the former firm as substitute counsel. The district court granted the changed counsel's motion to withdraw on October 16, 2018.

After plaintiffs' counsel notified the court by letter dated July 26, 2018, of his intention to withdraw,

Magistrate Judge Anne Y. Shields stayed proceedings. The district court granted counsel's motion to withdraw October 16, 2018, and further stayed proceedings for 60 days to afford Petitioners the opportunity either to obtain substitute counsel or continue pro se. Petitioners thereafter elected to proceed pro se.

Geraldine Griffin died on December 23, 2014. Following her death, Caril G. Simmons was appointed administratrix of her estate.

On September 30, 2016, the district court granted in part and denied in part defendants' motion to dismiss. App.75a. In connection with the amended pleadings, District Judge Joan M. Azrack expressly recognized in the September 30, 2016, ruling footnote that claims were being asserted on behalf of "Geraldine Griffin, who is deceased, through Caril G. Simmons, as administrator of her estate." App.78a. The court dismissed numerous federal and state-law claims and parties to the action, including the Fourth Amendment claims asserted by Caril Simmons and Lance Griffin for lack of standing, as well as claims against the municipality and mayor. The court permitted certain Fourth Amendment unlawful-search claims and state-law trespass claims arising from the July 17, 2012, and May 1, 2013, incidents to proceed on behalf of Charles Griffin, Geraldine Griffin, and Craig Griffin. The district court subsequently granted reconsideration in part and further dismissed the trespass claims arising from the July 17, 2012, incident, July 31, 2017. App.70a.

Throughout the litigation, the pleadings identified the plaintiffs as members of the Griffin family. The original complaint was brought by Charles Griffin, Geraldine Griffin, Craig Griffin, Lance Griffin, Caril

Simmons, and the Griffin Family. Subsequent pleadings identified Craig Griffin, Lance Griffin, and Caril Simmons as the adult children of Charles and Geraldine Griffin. The district court therefore had before it the family relationships underlying the estates when it recognized Geraldine Griffin's estate, permitted counsel to withdraw, allowed Petitioners to proceed pro se, granted formal substitution of both estates under Rule 25 of the Federal Rules of Civil Procedure and allowed the litigation to proceed through discovery, dispositive motion practice, judgment, and appeal pro se.

Following Charles Griffin's death, District Judge Gary Brown granted Petitioners' unopposed Rule 25 motion by order dated March 3, 2020, directed amendment of the caption, and ordered that the remaining plaintiffs consist of Caril Simmons, as administratrix of the estates of Charles Griffin and Geraldine Griffin, and Craig Griffin. App.63a.

Following the close of discovery, defendants moved for summary judgment. On August 31, 2021, Magistrate Judge Shields issued a Report and Recommendation recommending dismissal of all claims arising from the July 17, 2012, incident, denial of summary judgment as to claims arising from the May 1, 2013, entry, and rejection of defendants' challenge to the estates' participation concluding that Simmons had been properly substituted. App.40a. On September 28, 2021, Judge Brown adopted the Report and Recommendation in its entirety, including the recommendation that Simmons had been properly substituted on behalf of the estates. App.37a.

The case was subsequently reassigned to Judge Hector Gonzalez. Thereafter, the district court directed supplemental briefing concerning qualified immunity.

Following further proceedings, the district court concluded that the individual defendants were entitled to qualified immunity with respect to the remaining federal claim arising from the May 1, 2013, warrantless entry. On June 27, 2024, the district court granted summary judgment in favor of defendants on the remaining Section 1983 claim, declined to exercise supplemental jurisdiction over the remaining state-law claims and dismissed the action. App.14a. Judgment was entered on June 28, 2024. App.35a.

Petitioners appealed to the United States Court of Appeals for the Second Circuit. On October 21, 2025, the Court of Appeals affirmed the district court's judgment on the constitutional issues presented and separately remanded for further proceedings concerning estate representation. App.1a. The court held, among other things, that "an objectively reasonable firefighter or building inspector could have believed that an immediate search of the premises for hazardous conditions was necessary to protect the public from an exigent risk of fire" and that the defendants were entitled to qualified immunity. App.11a. The Court of Appeals further accepted as fact observations alleged by defendants determining "Craig has not identified any competent evidence in the record creating a genuine dispute of material fact regarding the defendants' description of the conditions of the Griffins' property on May 1, 2013." App.12a.

The Court of Appeals further held that the individual Fourth Amendment claims lacked standing because the allegations were insufficient to establish a "temporal connection" to the Griffin property or a reasonable expectation of privacy. App.7a.

The standing issue arose from the district court's earlier dismissal of the individual Fourth Amendment claims asserted by both Caril Simmons and Lance Griffin although the Court of Appeals discussed only Simmons's claims in its analysis. The Court of Appeals concluded that Simmons's claims failed for lack of standing because the complaint lacked sufficient "temporal context" concerning her connection to the Griffin residence. The court held that the absence of allegations regarding the timing and frequency of occupancy rendered it impossible to determine whether Simmons possessed a reasonable expectation of privacy protected by the Fourth Amendment. The Court of Appeals further concluded that the complaint contained only "vague allegations regarding the nature and manner of that alleged search" on August 20, 2012, making it impossible to assess whether any search that might have occurred was plausibly unreasonable within the meaning of the Fourth Amendment. App.6a.

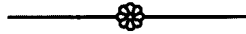
Petitioners contend that the complaint included an alleged seizure through the posting of a "Do Not Occupy" order and exclusion from the residence for approximately two months.

The Court of Appeals separately addressed the issue of estate representation and remanded for further proceedings on that issue. The court stated that if the district court determined that Simmons's representation of the estates was improper and the estates were unable to timely retain counsel, it should consider whether further relief, including dismissal of the estates' claims without prejudice was appropriate. App.5a.

Petitioners timely sought panel Rehearing and Rehearing En banc. The Court of Appeals denied

Rehearing and Rehearing En banc on February 9, 2026. App.99a. The mandate thereafter was issued on February 18, 2026. Following issuance of the mandate, proceedings resumed in the district court on the limited estate-representation issues remanded by the Court of Appeals.

Following remand, Petitioners advised the district court that Charles Griffin and Geraldine Griffin had no creditors and were survived by multiple children, the Griffin Family. Petitioners further advised the court that they had been unable to secure counsel willing to undertake representation of the estates after years of litigation, entry of judgment, and appellate proceedings, and requested appointment of counsel. The request was denied. The district court thereafter, on March 4, 2026, dismissed the estates' claims. Because estate-representation is not among the Questions Presented, these proceedings are discussed solely to explain the procedural posture of the case.



STATEMENT OF THE CASE

The Griffins resided in Rockville Centre, New York for more than fifty years. In 1963 they purchased one of the oldest homes in the Village, a residence originally constructed in 1888. Charles Griffin, a World War II veteran and retired electrical engineer and safety inspector, maintained several historic automobiles in a detached barn located in the backyard. The property measured approximately 90 feet wide by 200 feet deep and included a detached garage, shed, and barn situated behind the residence.

A substantial portion of the property was enclosed by fencing, locked gates, and landscaping consisting of mature trees and bushes. The fenced backyard and outbuildings were not necessary to access the front entrance of the home. Petitioners allege that these areas constituted protected curtilage and reflected a clear expectation of privacy.

This case arises from a series of warrantless governmental entries onto private property, searches, seizures, and other governmental intrusions by municipal officials between July 2012 and October 2014.

Petitioners allege that municipal officials repeatedly entered, searched and inspected portions of the property, seized, and interfered with Petitioners' possessory interests, and the use and enjoyment of their home without a warrant, consent, or contemporaneously perceived emergency.

On July 17, 2012, municipal officials went to the property for the stated purpose of conducting an inspection of areas of the residence exhibiting a clear expectation of privacy, while the homeowners were absent. Building Superintendent Daniel Casella later acknowledged in a telephone call to Simmons, correspondence and testimony that he had walked around the property during the inspection. Building Code Officer John Gooch testified that his inspection observations were made from what he described as a "mailman's route."

On August 20, 2012, municipal officials again entered the property for the later stated purpose of conducting an inspection, while the homeowners were absent, and placed a municipal "Do Not Enter" under penalty of law placard on the front door. On that date,

the municipality enforced a total ban on occupying the Griffin family's entire home for months, based on a disputed allegation that the exterior front porch was unsafe and needed repair. Neither the placard nor municipal agents provided any written or verbal report of the expulsion, or justification of an emergency for their action. Petitioners contend that the ban extended to the entire residence even though alternative entrances existed that did not require use of the front porch. The municipality lifted the ban approximately two months later with the structure the same as the day the family was banned. Petitioners allege that the exclusion occurred without a judicial order, without emergency conditions requiring immediate action, and without an opportunity to challenge the banning.

On the afternoon of May 1, 2013, officials from multiple municipal departments, with the Rockville Centre Village Police, several fire engines, and numerous volunteer firefighters, and unknown Jane and John Does, arrived at the property while the homeowners were absent. Building Inspector Thomas Bunting later described the response in sworn testimony as a "full departmental alarm." Deposition testimony indicated that municipal officials directed the Village electric department to disconnect electrical service to the residence, and witness accounts state they then entered the property. Government officers and agents did not have a warrant or consent to enter. In an affidavit, Building Superintendent Daniel Casella stated that Village Attorney Thomas Levin had provided consent to enter the curtilage.

Officials cut locks securing the fenced backyard and locks on the outer buildings and entered and searched the yard, detached locked garage, locked

shed, and barn located behind the residence. The detached garage, shed, and barn were located within the fenced portion of the property behind the residence and were not visible from the public sidewalk. The officials photographed portions of the property and curtilage. The Fire Chief later stated during Village Court proceedings, running concurrently against Caril Simmons for allegations of maintenance issues at the residence, he had also entered the house during the May 1 operation. Municipal officials in depositions, including Building Inspector Thomas Bunting, described the matter as involving property-condition, maintenance, and repair issues rather than an emergency requiring immediate action.

No tickets were issued and no hazards were abated or removed as a result of this full departmental response and forced entry. Petitioners contend that no warrant, consent, or contemporaneously perceived emergency justified the entry. Petitioners alleged that officials did not assert an emergency and instead stated that the purpose for the entry was to determine what they would confront if they later had to respond to a fire at the property.

Petitioners further contend that officials' testimony in the record of this action reflected that fire personnel "wanted to see what they would be facing if they had to come back and put out a fire at this house," "I think it was the fire department who wanted to see the extent of the property maintenance." This testimony supports Petitioners' position that the entry was undertaken to assess conditions in the event of a future fire rather than to respond to a contemporaneously perceived emergency requiring immediate action.

Petitioners contend that the record indicates that deposed officials testified during this action that they perceived no emergency, were unaware of any emergency requiring immediate action, and observed no conditions requiring immediate intervention either before entering the property, during the entry or while present on the property after entering. Fire Chief John Thorp testified during his deposition when asked whether there was an emergency requiring entry, "No".

At the time of the May 1, 2013 entry, separate Village Court proceedings concerning alleged property-condition issues had been commenced against Petitioner Caril Simmons individually. Petitioners contend that the existence of those proceedings further demonstrates that municipal officials were pursuing an ordinary administrative inspection, rather than responding to a contemporaneously perceived emergency requiring immediate action.



REASONS FOR GRANTING THE PETITION

This case presents important constitutional questions concerning the scope of the Fourth Amendment's protection of the home and its curtilage. The constitutional questions presented here arise frequently in the context of municipal inspections and code enforcement activities throughout the country. Local officials regularly conduct inspections of property for potential safety or maintenance issues. Courts of appeals have generally recognized that such inspections must comply with the warrant requirement absent true exigent circumstances. Administrative searches, seizures and

governmental intrusion of private residences require judicial authorization and due process unless officials reasonably believe that an immediate emergency exists.

I. Objectively Reasonable Hazard Rationale

A. Exception to the Fourth Amendment — Objectively Reasonable Hazard

The Court of Appeals ruling conflicts with established Fourth Amendment principles, by authorizing a warrantless non-emergency hazard exception that contradicts established precedents, including *Camara v. Municipal Court* and *Michigan v. Clifford*, 464 U.S. 287 (1984). In *Michigan v. Clifford*, this Court held that homeowners retain Fourth Amendment privacy interests in a fire-damaged residence and that post-fire investigative searches generally require a warrant once emergency conditions have ended.

If the Fourth Amendment required a warrant following an actual fire in Clifford, the decision below cannot be reconciled with the principle where no fire existed, no occupant required aid, and the entering officials testified they perceived no emergency requiring immediate action. Furthermore, the decision expands qualified immunity and violates curtilage protections affirmed in *Florida v. Jardines* and *Collins v. Virginia*, creating a national loophole that allows municipal entities to bypass Fourth Amendment protections. The Court of Appeals upheld the warrantless entry based upon a Fourth Amendment exception grounded in an immediate-hazard rationale not asserted, relied upon, or testified to by the entering officials themselves.

The decision below effectively creates a new hazard-based exception to the warrant requirement and extends qualified immunity beyond the limits of established Fourth Amendment doctrine and this Court's precedent. The warrantless entry, undertaken without consent, was not upheld under the emergency-aid doctrine nor the administrative-search framework recognized in *Camara v. Municipal Court* and *See v. City of Seattle*. Qualified immunity was not granted based upon what the officers testified they actually believed at the time. Instead, qualified immunity was granted based upon the conclusion that immediate entry could have been believed necessary to search for hazardous conditions. The Court of Appeals stated, "we agree with the district court that an objectively reasonable firefighter or building inspector could have believed that an immediate search of the premises for hazardous conditions was necessary to protect the public from an exigent risk of fire." The lower court's conclusion was notwithstanding the absence of testimony that an emergency requiring immediate action existed.

This decision permits municipal officials, with the police at the scene, according to officials' testimony herein, to conduct inspections, searches, seizures, by forced entries onto residential property without consent, without a contemporaneously perceived emergency, and without a warrant. Inclusion of police at forced entries into private curtilage raises a heightened warrant requirement question.

If speculation about possible hazards suffices to allow government officials to bypass judicial review and the warrant requirement for administrative inspections, the constitutional protection of the home

becomes discretionary rather than mandatory. This Court has long held that warrantless entry into a home is presumptively unreasonable, absent a warrant or recognized exception. *Camara v. Municipal Court*, 387 U.S. 523 (1967) and emphasized in *Payton v. New York*, 445 U.S. 573 (1980). The new hazard-based exception absent imminent emergency to the Fourth Amendment's warrant requirement suggests that Fourth Amendment protection varies with the aesthetic or perceived condition of a dwelling, an unprecedented rule of exceptional importance that finds no support in Supreme Court precedent.

Under this theory, government officials, with the police, may enter residential property without a warrant whenever they claim a residence is not up to their subjective aesthetic or condition standards and assert a belief that hazardous conditions might exist, even where no contemporaneously perceived emergency justified immediate action. The decision allows entry based upon speculative hazard assessment rather than objectively perceived emergency, narrowing established doctrine. *Mincey v. Arizona*, 437 U.S. 385 (1978) established that even an investigation of a homicide has no "murder scene exception" to the Fourth Amendment's warrant requirement. This Court ruled that a warrantless search of a private home is unconstitutional, even when a serious crime like homicide has occurred, unless there is an active emergency or another specifically recognized exception. In *Michigan v. Tyler*, 436 U.S. 499 (1978), this Court recognized that although a fire presents an exigency that is sufficient to justify warrantless entry, later investigative or administrative entries generally require a warrant. In the case herein, it is undisputed that there was no

fire, and the officials did not assert that they observed a fire before breaking into the curtilage. The decision below extends greater authority to conduct warrantless inspections where no fire existed, no occupant required aid, and the entering officials testified they perceived no emergency requiring immediate action. The question presented is not only dispositive of whether reversal is required, but potentially whether Petitioners prevail. Review is warranted to clarify the limits of the Fourth Amendment's exceptions.

B. Emergency Aid Doctrine to Aid the Public At Large

This case also presents important questions concerning the limits of the emergency-aid doctrine and the Fourth Amendment's warrant and consent requirements where no occupant is present to aid or assist. This Court's emergency aid precedent involves situations in which officers reasonably believed someone inside required immediate assistance. Where no occupant is present to aid or assist, Petitioners contend that the emergency-aid doctrine is inapplicable and the entry must instead satisfy the requirements governing administrative inspections.

The entry in this case occurred when no occupant was present inside the home. The decision below permits warrantless entry not to render aid to an occupant in need of immediate assistance, but to investigate whether conditions existed that might pose a future risk to the public. This Court has never recognized such an exception. Existing doctrine draws a clear distinction between emergency aid—where officials reasonably believe a person inside requires immediate assistance—and administrative inspections for regulatory purposes, which require a warrant. In *Caniglia*

v. Strom, 593 U.S. 194 (2021) this Court reaffirmed that the home sits at the “very core” of the Fourth Amendment’s privacy protections, the “community caretaking” exception which historically allowed police to conduct warrantless searches of impounded vehicles does not apply. In substance, officers may generally enter a home without a warrant only pursuant to consent or a recognized exigency.

Review is warranted to clarify whether the emergency-aid doctrine may be extended beyond its traditional purpose of providing immediate assistance to aid individuals in response to a perceived emergency and instead be used to justify warrantless entry based upon a potential non-emergency hazard hypothetically aiding the public generally.

C. Qualified Immunity and the Absence of an Emergency

The Court of Appeals affirmed that government officials are entitled to qualified immunity for a warrantless entry into a private residence where the officials testified that they perceived no emergency or were unaware of any emergency requiring immediate action, knew no occupant was present to aid or assist, and broke fences and locks to enter and search the property without consent or warrant to conduct an administrative inspection. Inconsistently, officials argued in pleadings using terminology of “hazard” or “emergency” but even then, their descriptions of the property no matter how labeled, alleged maintenance, repair, and property-condition issues rather than that of an imminent emergency.

The Court of Appeals concludes “while the degree of urgency facing the defendants at the time of the

search may be debatable, we cannot say that only someone plainly incompetent or who knowingly violates the law would have perceived a sufficient threat and acted as [the defendants] did." App.12a Although, irreconcilably testifying officers stated they did not perceive an emergency or were unaware of an emergency when entering without a warrant or consent.

This included Fire Chief John Thorp, who testified "No" when asked whether an emergency required the May 1, 2013, forced entry, in which officials cut locks, entered fenced curtilage, took photographs, and searched private property without a warrant, consent, or notice while the residents were not home.

The Court of Appeals decision expands qualified immunity beyond its established limits. This Court has repeatedly held that qualified immunity protects reasonable mistakes concerning unsettled questions of law, not actions by individuals acting under the color of law who knowingly violate clearly established constitutional protections.

The Fourth Amendment's warrant requirement, and the limited exceptions permitting warrantless entry, have long been clearly established. Absent consent, a warrant, or a genuine emergency requiring immediate action, government officials may not enter a private residence or its protected curtilage to conduct an administrative inspection.

Petitioners alleged officials stated at the time, and the record further contains testimony that fire personnel wanted to see what they would be facing if they had to come back and put out a fire at this house. Building Code Officer Thomas Bunting: "I believe from talking to them, the fire personnel wanted to see

what they would be facing if they had to come back and put out a fire at this house.” Petitioners contend that this description reflects a prospective inspection to evaluate conditions in the event of a future fire rather than a response to a contemporaneously perceived emergency requiring immediate action.

The Court of Appeals nevertheless held that “an objectively reasonable firefighter or building inspector could have believed that an immediate search of the premises for hazardous conditions was necessary to protect the public from an exigent risk of fire.” The decision thus permits qualified immunity to rest not upon the circumstances actually perceived by the officials, but upon a hypothetical non-emergency hazard rationale. In both respects, the decision departs from the traditional qualified-immunity inquiry and warrants this Court’s review.

II. Curtilage and Administrative Inspection Implied License Exception “Mailman’s View” Standard

The decision below also expands the implied-license doctrine far beyond the limits recognized by this Court in *Florida v. Jardines*, 569 U.S. 1 (2013) and diminishes the protections afforded to residential curtilage under *Collins v. Virginia*, 584 U.S. 586 (2018), and *United States v. Dunn*, 480 U.S. 294 (1987). The court accepted the conclusion that municipal officials conducting prearranged administrative inspections could make observations from areas described as a “mailman’s route” or “publicly accessible areas” and thereby avoid Fourth Amendment scrutiny. Under *United States v. Dunn*, 480 U.S. 294 (1987), the fenced backyard, detached garage, shed, and barn exhibit the

traditional characteristics of curtilage. And as this Court later explained in *Collins v. Virginia*, 584 U.S. 586, 592 (2018), “the area immediately surrounding and associated with the home—what our cases call the curtilage—is part of the home itself for Fourth Amendment purposes.” This Court further held in *Jardines*: “This implicit license typically permits the visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave.”

This Court has made clear that the scope of any implied license depends not only upon where a person goes, but also upon the purpose for which the person enters the property. *Jardines* explained that a visitor may approach a home, knock promptly, wait briefly to be received, and then leave. The implied license does not extend to entry for the purpose of conducting an investigation or search. Nor does it authorize government officials to enter private curtilage to search for speculative hazards, take photographs of private property or conduct administrative inspections.

Here, municipal officials did not go to the property as ordinary visitors, neighbors, or mail carriers. They testified that they went to the property in July 2012 for the purpose of conducting an inspection.

The record contains testimony by Building Superintendent Daniel Casella that he walked around the property conducting his inspection, while Building Code Officer John Gooch characterized his inspection as observations occurring along a “mailman’s route.” Petitioners contend that the areas observed were within privately maintained and fenced curtilage with the expectation of privacy and that no implied license

authorized officials to conduct an administrative inspection from those locations.

The record further contains a July 2012 letter from Building Superintendent Daniel Casella stating that he had walked all around the property during the inspection. Petitioners contend that this contemporaneous admission is inconsistent with the limited implied license afforded to ordinary visitors and supports their position that officials were conducting an administrative inspection within protected curtilage.

The decision below effectively creates a new implied-license exception permitting government officials to conduct administrative inspections from areas that would otherwise be protected curtilage so long as those areas can later be characterized as “publicly accessible.” That approach conflicts with *Florida v. Jardines*, *Collins v. Virginia*, and longstanding curtilage doctrine. *Florida v. Jardines* holds that the implied license to approach a home is limited and purpose bound. *Collins v. Virginia* confirms curtilage protection. The reasoning below reduces constitutional protection to physical accessibility. The court of appeals, although factually disputed, characterized portions of the property as “publicly accessible.” But this Court has made clear that curtilage protection does not depend merely on physical accessibility. In *Florida v. Jardines* the Court explained that the implied license allowing visitors to approach a home is limited to ordinary social behavior, such as knocking on the front door. Investigative entry into enclosed residential areas with the expectation of privacy exceeds that license. Allowing officials to enter or perch over fenced curtilage for an observation point, under an asserted “public accessibility” theory under-

mines the constitutional boundary between public space and the private home.

Review is warranted to clarify that government officials conducting inspections possess no greater implied license than that recognized by this Court and may not transform protected curtilage into a public observation point merely by invoking a “mailman’s route” rationale.

III. Summary Judgment and Disputed Facts

This Court has repeatedly held that, at summary judgment, the record must be viewed as a whole, and all reasonable inferences must be drawn in favor of the nonmoving party.

The lower courts credited sharply disputed observations and hazard assertions at summary judgment. Petitioners disputed the defendants’ narratives concerning hazardous conditions on the property, and testimony among defendants themselves varied with different narratives. By crediting the defendants’ inconsistent accounts, the courts effectively resolved factual disputes against the nonmoving party.

The court may not weigh evidence, make credibility determinations, or resolve genuine disputes of material fact. Rather, “credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions.” *Tolan v. Cotton*, 572 U.S. 650, 656-57 (2014).

The decision below departs from settled principles that credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions. Here, genuine disputes of material fact existed concerning the conditions observed

at the property, the existence of any emergency or unknown hazard requiring immediate action, and the circumstances relied upon to justify the warrantless entries. Nevertheless, sharply disputed factual assertions were effectively treated as established facts.

In particular, the court stated that “[u]pon their arrival, the defendants found the Griffins’ property in a ‘hazardous’ and ‘threatening’ condition” and relied upon assertions concerning a purported “strong smell of gas.” App.11. Those assertions were vigorously contested in the record. The court’s reliance rested largely upon an affidavit submitted after litigation commenced that was not subjected to cross-examination and that Petitioners contend was contradicted by sworn deposition testimony from multiple officials, including testimony that no emergency was perceived, identified, or known to exist.

The record contained testimony from the deposed defendants that they observed no emergency conditions before forcibly entering the property on May 1 or during any of the prior entries.

Such conflicting evidence created a material factual dispute that could not be resolved in favor of the moving parties at summary judgment under *Tolan v. Cotton*. By crediting one version of disputed facts and treating those facts as dispositive, the decision below effectively resolved credibility disputes that should have been left to a jury.

The qualified-immunity issue was not resolved at the outset of the litigation. Following years of discovery, the district court directed supplemental briefing on qualified immunity and thereafter entered judgment for defendants on that basis. In affirming, the court of

appeals accepted disputed factual assertions concerning allegedly hazardous conditions and a purported smell of gas notwithstanding contrary sworn testimony from multiple officials. The result was that qualified immunity was granted only after contested factual issues had been resolved in favor of the government, contrary to this Court's instruction that the evidence must be viewed in the light most favorable to the nonmoving party.

This Court granted certiorari in *Thompson v. Clark*, 142 S. Ct. 1332 (2022) to resolve an important Fourth Amendment question arising from the Second Circuit. Yet the Court has not addressed whether, when government officials seek to justify a warrantless residential entry on exigent-circumstances grounds and invoke qualified immunity, the government bears the burden of establishing the facts necessary to support that exception to the warrant requirement. The decision below illustrates the continuing uncertainty.

The Court of Appeals upheld qualified immunity by crediting a theory that an objectively reasonable official could have believed an immediate search was necessary to address a potential hazard, notwithstanding testimony from the entering officials that they did not perceive an emergency requiring immediate action. At no point was it asserted that officials made a mistake and believed there were emergencies justifying entering protected curtilage without a warrant or consent. On the contrary, the record shows officials did not believe there was an imminent emergency justifying their entering but were justified anyway.

This case therefore presents an appropriate vehicle to clarify that the Fourth Amendment places the burden on the government to establish the existence of exigent circumstances sufficient to justify a warrantless entry

into a home. Resolution of that question is potentially dispositive of both the qualified-immunity determination and the underlying Fourth Amendment claims presented here. Review is warranted to clarify that courts may not uphold warrantless entry, search, seizure, and qualified immunity by resolving contested facts in favor of government officials.

IV. Fourth Amendment Standing and the New "Temporal" Context

The decision below also imposes a novel standing requirement. The court held that "the lack of temporal context regarding Simmons's connection to the Griffins' property render[s] impossible any assessment of whether Simmons plausibly enjoyed a sufficient degree of acceptance into the Griffin household to trigger the Fourth Amendment's protections." *Id.* at 8-9. The district court dismissed the Fourth Amendment claims of both Caril Simmons and Lance Griffin for lack of standing. Although the Court of Appeals discussed only Simmons's allegations, the ruling effectively affirmed dismissal of both claims. This newly articulated "temporal context" or "temporal specificity" requirement is not found in this Court's Fourth Amendment standing jurisprudence and materially narrows standing at the pleading stage. Nothing in *Minnesota v. Olson*, 495 U.S. 91 (1990) suggests such a requirement. The Court instead focused on whether the individual was accepted into the household and shared the privacy of the home. The rule adopted below therefore narrows Fourth Amendment protections for family members integrated into a household.

Petitioners alleged that Caril Simmons and Lance Griffin were accepted members of the household,

possessed unfettered access to the residence, stayed overnight, maintained personal papers and effects throughout the home and curtilage, could admit or exclude others, and possessed a subjective expectation of privacy that society recognizes as reasonable. Petitioners further assert that those connections existed at the time of the challenged entries.

Minnesota v. Olson does not require a plaintiff at the pleading stage to identify specific dates, durations, frequencies, or other temporal details concerning overnight stays before a court may assess whether a reasonable expectation of privacy exists. Olson focused on acceptance into the household and the nature of the relationship to the home, not detailed pleading concerning dates, frequency of occupancy, or temporal specificity. "Olson's status as an overnight guest is alone enough to show that he had an expectation of privacy in the home that society is prepared to recognize as reasonable."

Minnesota v. Carter, 525 U.S. 83 (1998) also focused on an individual's relationship to the household when concluding drug dealers present briefly at a residence to conduct business, did not have standing under the Fourth Amendment. Neither *Minnesota v. Olson* nor *Minnesota v. Carter* imposed a requirement that a plaintiff plead detailed "temporal context" concerning the timing and frequency of occupancy before asserting a reasonable expectation of privacy. Instead, those decisions focused on the individual's relationship to the home, the nature of the use, and whether society would recognize the claimed expectation of privacy as reasonable. By requiring additional temporal specificity beyond acceptance into the household and the traditional indicia of a protected privacy interest, the deci-

sion below creates a novel barrier to Fourth Amendment standing and conflicts with this Court's recognition that accepted household members and social guests may possess constitutionally protected privacy interests based upon their relationship to the household. The decision below narrows the standing and expectation of privacy protections recognized in *Minnesota v. Olson* under the Fourth Amendment and is contrary to *Katz v. United States*, 389 U.S. 347 (1967), establishing that the Fourth Amendment protects people, not just places, emphasizing privacy expectations.

V. Federal Rule of Civil Procedure 8 "Short and Plain Statement"

The Court of Appeals affirmed dismissal of Petitioners' August 20, 2012, claim on the ground that the allegations were "too vague" to state a Fourth Amendment violation. App.8-9. The court concluded that the complaint contained only "vague allegations regarding the nature and manner of that alleged search, making it impossible to assess whether any search that might have occurred was plausibly unreasonable within the meaning of the Fourth Amendment." App.7a.

Petitioners alleged an egregious action of government intrusion and constitutional violation by individuals acting under the color of law, actions which were only possible by the authority of government, the seizure of their home without emergency, warrant or due process.

Petitioners' claim alleged that municipal officials, building, fire, and police went to their property on August 20, 2012, when they were not home, to search, inspect and seize the premises, placed a municipal

building department sign on their front door prohibiting entry, with no other written directive, and excluded the homeowners from their residence for approximately two months without a warrant, consent, judicial authorization, or emergency.

Petitioners further alleged that the municipality lifted the restriction verbally approximately two months later while the front porch remained unchanged.

Even assuming the allegations concerning the precise manner of the search lacked detail, under *Soldal v. Cook County*, 506 U.S. 56 (1992), meaningful interference with possessory interests constitutes a seizure within the meaning of the Fourth Amendment. Excluding homeowners from occupying their residence without a warrant or judicial process interferes with the core possessory interests protected by the Fourth Amendment.

Rule 8(a) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” While *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), requires factual plausibility, it does not impose a probability requirement. Petitioners’ allegations more than satisfied Rule 8 and provided fair notice of the claim.

In *Johnson v. City of Shelby*, 574 U.S. 10 (2014), this Court reaffirmed that dismissal is inappropriate where the complaint clearly states the factual basis of the claim. Johnson further confirmed that plaintiffs need not expressly invoke a particular legal theory or statute, including 42 U.S.C. § 1983, provided the complaint sets forth the factual basis for relief and affords fair notice of the claim.

Petitioners alleged specific governmental conduct, identified the constitutional deprivation, and implicated both the search and seizure protections of the Fourth Amendment. Petitioners have more than satisfied the pleading requirements of Rule 8 and *Ashcroft*. Their allegations were neither conclusory nor vague.

Application of Rule 8's plausibility requirement with varying degrees of rigor creates uncertainty concerning the amount of factual detail necessary before a Fourth Amendment claim may proceed to discovery and risks premature rejection of potentially meritorious claims, contrary to Rule 8(e)'s instruction that pleadings be construed so as to do justice.

At the pleading stage, Petitioners were not required to allege evidentiary detail concerning the precise manner of entry, the identities of every official involved, or the municipality's internal decision-making process.

The complaint identifies the governmental action, the property involved, the constitutional deprivation, and the approximate duration of that deprivation.

The Court of Appeals' application of Rule 8 effectively rejects valid claims before discovery by allowing dismissal of a cause of action before evidentiary details may be revealed.

By affirming dismissal on the ground that the allegations were "vague," the Court of Appeals effectively imposed a heightened pleading standard inconsistent with Rule 8(a), Rule 8(e)'s instruction that "[p]leadings must be construed so as to do justice," and "judicial experience and common sense" guide the plausibility inquiry under *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

Further, the decision creates barriers to relief under 42 U.S.C. § 1983 for constitutional deprivations committed under color of law.

Review is warranted to clarify the degree of factual specificity required for Fourth Amendment claims brought under 42 U.S.C. § 1983 and to determine when allegations of governmental searches, seizures, and exclusion of homeowners from their residence are sufficient to permit discovery.



CONCLUSION

For the foregoing reasons, the Petitioners respectfully submit that the petition for a writ of certiorari should be granted.

Respectfully submitted,

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