

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

ANTJUAN PIERRE JACKSON
Petitioner

V.

UNITED STATES OF AMERICA,
Respondent

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

PETITIONER FOR WRIT OF CERTIORARI

William C. Livingston (0089538)
Berkman, Gordon, Murray & DeVan
55 Public Square, Suite 2200
Cleveland, Ohio 44113-1949
Phone: (216) 781-5245
Fax: (216) 781-8207

Attorney for Petitioner Antjuan Pierre Jackson

QUESTION PRESENTED FOR REVIEW

1. Under the totality-of-the-circumstances test, may probable cause to search a home rest on inference stacking—a series of inferences built on other inferences—when the affidavit lacks a concrete, corroborated nexus to the place to be searched, or does the Fourth Amendment impose limits requiring quality over quantity in the probable-cause calculus?

LIST OF PARTIES

Pursuant to Rule 14.1(b), Petitioner Antjuan Pierre Jackson was the defendant-appellant in the court below. Respondent, the United States of America, was the plaintiff-appellee in the court below.

Neither party is a corporate entity. Accordingly, neither party has a parent corporation, issues publicly traded stock, or has a stock ticker symbol.

TABLE OF CONTENTS

	Page
QUESTION PRESENTED FOR REVIEW	i
LIST OF PARTIES.....	ii
TABLE OF AUTHORITIES	iv
PETITION FOR WRIT OF CERTIORARI	1
CITATIONS OF OPINION AND ORDERS BELOW.....	1
JURISDICTIONAL STATEMENT	1
CONSTITUTIONAL PROVISION	1
STATEMENT OF THE CASE.....	1
REASONS FOR GRANTING REVIEW	4
I. THIS CASE PRESENTS AN IMPORTANT QUESTION CONCERNING THE CONSTITUTIONAL LIMITS OF INFERENTIAL REASONING IN THE PROBABLE-CAUSE ANALYSIS	4
II. THIS CASE PRESENTS AN IMPORTANT QUESTION ABOUT THE TOTALITY OF CIRCUMSTANCES TEST IN PROBABLE CAUSE ANALYSIS.....	5
Conclusion	8
CERTIFICATE OF SERVICE.....	9

APPENDICES:

Appendix A: *United States v. Jackson*, No. 25-1187, slip. op., 2026 WL 735066 (6th Cir. Mar. 16, 2026).

Appendix B: *United States v. Jackson*, Case No. 1:23-CR-35, (W.D. Mich. Feb. 22, 2024), transcript of proceedings.

TABLE OF AUTHORITIES

Page

CASES

<i>District of Columbia v. Wesby</i> , 583 U.S. 48 (2018)	6-8
<i>Illinois v. Gates</i> , 462 U.S. 213 (1983)	5, 6, 8
<i>Lange v. California</i> , 594 U.S. 295 (2021)	4
<i>United States v. Christian</i> , 925 F.3d 305 (6th Cir.)	7
<i>United States v. Hython</i> , 443 F.3d 480 (6th Cir. 2006).	7
<i>United States v. Johnson</i> , 43 F.4th 1100 (10th Cir. 2024)	6
<i>United States v. Valenzuela</i> , 365 F.3d 892 (10th Cir. 2004).	6
<i>United States v. Wilson</i> , 153 F.4th 478 (5th Cir. 2025)	4, 7

CONSTITUTIONAL PROVISIONS

United States Const., amend IV	i, 1, 2, 4, 5, 8
--	------------------

STATUTES, RULES AND REGULATIONS

Supreme Court Rule 14(b)(i)	ii
18 U.S.C. §841(a)(1)	1
18 U.S.C. §841(b)(1)(B)(vi).	1
18 U.S.C. §841(b)(1)(C)	1
28 U.S.C. §1254	1

PETITION FOR WRIT OF CERTIORARI

CITATIONS OF OPINION AND ORDERS BELOW

United States v. Jackson, No. 25-1187, slip. Op., 2026 WL 735066 (6th Cir. Mar. 16, 2026). (Pet. App. 1-21).

JURISDICTIONAL STATEMENT

Petitioner seeks review of the Sixth Circuit Court of Appeals' decision issued on March 16, 2026, affirming the judgment of the district court. This Court has jurisdiction under 28 U.S.C. §1254.

CONSTITUTIONAL PROVISION

United States Constitution, Amendment IV, provides:

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.

STATEMENT OF THE CASE

Petitioner Antjuan Jackson was convicted at a jury trial of one count of distributing fentanyl resulting in death, in violation of 18 U.S.C. §841(a)(1) and 18 U.S.C. §841(b)(1)(C) and one count of possession with intent to distribute fentanyl, more than 40 grams, in violation of 18 U.S.C. §841(a)(1) and 18 U.S.C. §841(b)(1)(B)(vi). *See* Judgment, RE. 124 at PageID#627. He was sentenced to a term of imprisonment of 324 months. *Id.* at PageID#628.

Petitioner appealed his convictions to the United States Court of Appeals for the Sixth Circuit on February 28, 2025. On March 16, 2026, the Sixth Circuit issued its

decision affirming the judgment of the district court, including its denial of his motion to suppress evidence. App. at 1.

This case presents a recurring Fourth Amendment question: at what point does a reasonable inference become unconstitutional inference stacking?

On November 26, 2022, law enforcement officers responded to the residence of Sean White, who was believed to have died from a drug overdose. On White's cell phone, officers found several calls and text message exchanges between White and Petitioner, who resided in a different apartment within the same apartment complex. App. at 2-3.

None of the text messages referenced fentanyl, controlled substances, or any illegal drug transaction. Instead, the messages referred to food stamps and nails. Officers nevertheless asserted that the term "nails" was coded language for narcotics. App. at 9.

The affidavit further recounted a controlled purchase involving a confidential informant and a known drug dealer. Petitioner was not the target of the investigation, was not the drug dealer, and did not participate in the alleged controlled transaction with the informant. App. at 10. Instead, according to the affidavit, the known drug dealer traveled to Petitioner's apartment building, entered Apartment 10, and soon after sold oxycodone pills to the informant. *Id.*

Several weeks later, officers conducted surveillance of Apartment 10. The affidavit did not specify the duration of the surveillance. Officers observed an unidentified individual, whose face was obscured by a mask (during a period of rising

cases of COVID-19), leave the apartment on several occasions, walk toward a parking lot outside the officers' view, and return. Officers did not observe any drug transactions, exchanges of money, hand-to-hand contacts, or criminal activity. App. at 3, 10.

The affidavit additionally noted that Petitioner had a drug-possession conviction from approximately eight years earlier. App. at 2.

Based on those facts, officers sought a warrant to search Petitioner's residence.

The affidavit contained no direct evidence that Petitioner sold narcotics. It contained no direct evidence that narcotics had ever been present inside Apartment 10. It contained no controlled purchase involving Petitioner. It contained no informant statement identifying Petitioner as a drug dealer. It contained no observation of Petitioner engaging in a drug transaction. Nor did it contain any observation of contraband entering or leaving the residence.

Nevertheless, a state magistrate issued the warrant on December 14, 2022. App. at 3. Execution of the warrant resulted in the seizure of evidence later used against Petitioner in this federal prosecution.

Petitioner moved to suppress the evidence, arguing that the affidavit failed to establish probable cause. App. at 5.

The district court denied the motion. *Id.*; App. at 32-36. The Court of Appeals for the Sixth Circuit affirmed. App. at 11.

REASONS FOR GRANTING REVIEW

I. THIS CASE PRESENTS AN IMPORTANT QUESTION CONCERNING THE CONSTITUTIONAL LIMITS OF INFERENTIAL REASONING IN THE PROBABLE-CAUSE ANALYSIS

The home is the archetype of protected privacy under the Fourth Amendment and is the first among equals. “This protection would be emptied of meaning if bare assertions sufficed and conjecture displaced cause.” *United States v. Wilson*, 153 F.4th 478, 490 (5th Cir. 2025) *citing* *Lange v. California*, 594 U.S. 295, 303 (2021).

“The Fourth Amendment draws a bright line: conjecture may stir suspicion, but only cause can justify intrusion.” *Wilson*, 153 F.4th at 490.

The Fourth Amendment permits a magistrate to draw reasonable inferences from established facts. The unresolved question presented here is whether probable cause may be established when each critical inference depends upon acceptance of a prior inference rather than upon independently corroborated facts.

The affidavit supporting the search warrant did not contain direct evidence that Petitioner sold narcotics. It did not contain a controlled purchase involving Petitioner. It did not contain an informant identifying Petitioner as a drug dealer. It did not contain observations of Petitioner engaging in a drug transaction. Nor did it contain direct evidence that narcotics or other evidence of criminal activity would be found inside Petitioner's residence.

Instead, the finding of probable cause depended upon a series of inferential conclusions drawn from ambiguous facts. The text messages recovered from the decedent's phone did not reference controlled substances but were interpreted as coded communications concerning narcotics. An unrelated drug dealer's visit to Petitioner's

apartment was treated as evidence that Petitioner supplied narcotics to that dealer. Surveillance that revealed no observed criminal conduct was interpreted as evidence of ongoing trafficking activity. A criminal conviction from approximately eight years earlier was treated as evidence that Petitioner remained involved in narcotics trafficking.

The court of appeals concluded that the totality of the circumstances permitted those inferences and upheld the search. App. at 8-11. In doing so, however, the court did not identify any single fact establishing a direct nexus between criminal activity and the residence to be searched. Rather, probable cause emerged only through the cumulative effect of multiple inferential steps.

The question presented is therefore not whether any one inference was permissible. Rather, it is whether, and to what extent, the Fourth Amendment imposes constitutional limits on the use of successive inferences to establish probable cause to search a home.

That question is increasingly important. Modern investigations frequently rely upon digital communications, geolocation information, and behavioral observations that often require inferential interpretation. As those forms of evidence become more common, courts are routinely required to determine how many inferential steps may separate the known facts from the conclusion that probable cause exists.

This Court's guidance is warranted.

II. THIS CASE PRESENTS AN IMPORTANT QUESTION ABOUT THE TOTALITY OF CIRCUMSTANCES TEST IN PROBABLE CAUSE ANALYSIS.

This Court's decision in *Illinois v. Gates*, 462 U.S. 213, 230-31 (1983), rejected

rigid formulas and adopted a flexible totality-of-the-circumstances approach for evaluating probable cause.

Gates recognized that weaknesses in one area of the probable-cause analysis may be offset by strengths in another. For example, information lacking a demonstrated basis of knowledge may nevertheless support probable cause if independent police investigation corroborates significant aspects of the information. Likewise, information from a less reliable source may acquire significance when supported by other indicia of reliability.

In *Gates*, law enforcement bolstered an anonymous, unverified tip that defendants were engaging in drug trafficking with boots-on-the-ground surveillance, which affirmatively corroborated the defendants’ *modus operandi* and other information provided in the anonymous tip. *Gates*, 462 U.S. at 225–27.

Gates addressed the extent to which reliable evidence may compensate for weaknesses elsewhere in the probable-cause inquiry. It did not address whether probable cause may arise when each component of the analysis depends upon additional inferential assumptions and no individual fact independently establishes the required nexus.

To be sure, courts are not to engage in a “divide-and-conquer” analysis of facts to determine whether probable cause exists. *District of Columbia v. Wesby*, 583 U.S. 48, 63 (2018). However, neither may a court “arrive at probable cause simply by piling hunch upon hunch” and ignoring those factors that “militate against” a finding of probable cause. *United States v. Johnson*, 43 F.4th 1100 (10th Cir. 2024), *citing United*

States v. Valenzuela, 365 F.3d 892, 897 (10th Cir. 2004).

While a probable cause inquiry may involve inferences, those inferences must be drawn from facts that are contained in the affidavit and not “assumptions about standard police practices or unasserted but hypothetically possible facts.” *United States v. Hython*, 443 F.3d 480, 489 (6th Cir. 2006).

As the Fifth Circuit recently stated, “Assumption is not evidence; geography is not nexus; and intuition is not cause. Without those anchors, magistrates are left to rubber-stamp hunches, and a hunch, however earnest, is no substitute for probable cause.” *Wilson*, 153 F.4th at 486.

This Court in *Wesby* instructed lower courts to view each fact “as a factor in the totality of the circumstances” and to consider “the whole picture.” *Wesby*, 583 U.S. at 60-61 (citations omitted). This inevitably requires evaluation of the strength of each individual piece of the puzzle to examine the picture that emerges.

The decision below allows independently weak pieces of information, each carrying little basis of knowledge or reliability/veracity, to accomplish a bolstering effect by being considered *in toto*.

The district court repeatedly explained that the case turned on whether multiple facts that might be innocent in isolation could collectively establish probable cause. The court relied heavily on the principle that: “the whole is often greater than the sum of its parts” and that each allegation is a “relevant data point in the totality of the circumstances constellation.” App. at 35 citing *United States v. Christian*, 925 F.3d 305, 311 (6th Cir.) quoting *Wesby*.

The Sixth Circuit’s decision affirming that judgment will increase the number of constitutionally troubling home searches that law enforcement executes. By placing too great an emphasis on the quantity of information relevant for determining probable cause, the lower court’s decision instructs law enforcement officers that there is little need to engage with the quality of the information included in a search warrant affidavit.

Whether the Fourth Amendment permits probable cause to search one’s home from the accumulation of multiple weak or ambiguous facts—each requiring additional inferential reasoning—is an important constitutional question this Court should address.

Indeed, as courts increasingly apply *Gates* and *Wesby* in cases involving digital evidence and indirect proof of criminal activity, clarification of that question would provide important guidance to lower courts and law enforcement officers alike.

Conclusion

For these reasons, this Court should grant the Petition for a Writ of Certiorari and the Sixth Circuit’s decision should be reversed.

Respectfully submitted,

/s/ William C. Livingston

William C. Livingston (0089538)
Berkman, Gordon, Murray & DeVan
55 Public Square, Suite 2200
Cleveland, Ohio 44113-1949
Phone: (216) 781-5245
Fax: (216) 781-8207

Attorney for Petitioner Antjuan Pierre Jackson

CERTIFICATE OF SERVICE

I William C. Livingston, a member of the Bar of this Court, hereby certify that on this 15th day of June 2026, I served copies of the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI, in compliance with Supreme Court Rule 29.3, on Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave., N.W. Washington, DC 20530-001, by depositing an envelope containing the above documents in the United States mail properly addressed and with first-class postage prepaid. All parties required to be served have been served.

Respectfully submitted,

/s/ William C. Livingston
William C. Livingston (0089538)
Berkman, Gordon, Murray & DeVan
55 Public Square, Suite 2200
Cleveland, Ohio 44113-1949
Phone: (216) 781-5245
Fax: (216) 781-8207

Attorney for Petitioner Antjuan Pierre Jackson