

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DEMARIO MONTRELL RODGERS,

Petitioner,

versus

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

In *Adams v. Williams*, 407 U.S. 143 (1972), this Court held that a face-to-face tip carried enough indicia of reliability to justify an investigative stop where the informant was known to the officer, had given him information before, described a specific object in a specific place, and could have been arrested for a false complaint. The Court did not decide whether that reasoning, which addresses whether an informant is telling the truth, also relieves the government of showing that she knows anything.

The question presented is whether the manner in which an accusation is delivered may be presumed to establish an informant's reliability, so that an officer may credit an in-person accusation, and count it toward reasonable suspicion, without learning the accuser's identity, without asking her anything, and without any account of what she observed or how she knows what she alleges?

PARTIES TO THE PROCEEDING

Petitioner is Demario Montrell Rodgers, who was the Defendant-Appellant in the court below. Respondent, the United States of America, was the Plaintiff-Appellee in the court below.

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The opinion of the United States Court of Appeals for the Fifth Circuit affirming petitioner's conviction and sentence can be found at *United States v. Rodgers*, No. 25-30377, 2026 WL 983119 (5th Cir. Apr. 13, 2026) (unpublished), and is set forth at App. 001.

JURISDICTION

The judgment of the court of appeals was entered on April 13, 2026. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourth Amendment to the United States Constitution 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.

INTRODUCTION

A woman flagged down two deputies on a street in Monroe, Louisiana, and told them that three men standing a car's length away "had dope on them" and had called her a "bitch." ROA.270, 275. She did not say she had seen anything. She did not say what the men had done, or when, or how she knew. The deputy who spoke with her did not ask. He testified that he had "no idea who she was," ROA.270, that the conversation lasted "a few seconds," ROA.293, and that he put no "probing questions" to her at all, ROA.294. The deputy later admitted that he "had no clue whether she made it up or actually had knowledge that they had dope on them." ROA.294. The body camera video of the encounter shows the woman is slurring her words and appears impaired. ROA.214; Exhibit B – Evans Body Camera at 05:00-06:00. Based on this, the deputy seized Demario Rodgers.

This Court has twice excused an officer from scrutinizing an in-person informant's basis of knowledge, and both times it did so because the informant's truthfulness had been established some other way. In *Adams v. Williams*, 407 U.S. 143 (1972), the informant was "known to him personally and had provided him with information in the past," *id.* at 146; the informant said the man in the car beside them had a gun at his waist, which was "immediately verifiable at the scene," *id.*; and the informant was exposed to "immediate arrest for making a false complaint" under a Connecticut statute the Court identified, *id.* at 146-47. In *Illinois v. Gates*, 462 U.S. 213 (1983), the Court explained the principle and its premise in a single sentence: "if an unquestionably honest citizen comes forward with a report of criminal activity—

which if fabricated would subject him to criminal liability—we have found rigorous scrutiny of the basis of his knowledge unnecessary.” *Id.* at 233-34 (*citing Adams*). The premise is an unquestionably honest citizen. The excuse follows from it.

The courts of appeals have kept the excuse and let go of the premise. They now say that a person who accuses another face to face is presumptively reliable because she has exposed herself to consequences, and they apply that presumption without asking whether she is honest, without asking whether she knows, and, as here, without asking her anything. That is the step this Court has never taken. *Gates* permits a deficiency in basis of knowledge to be compensated for “by a strong showing as to the other, or by some other indicia of reliability,” 462 U.S. at 233, and a showing is something the government makes. What the courts below accepted was not a showing. It was a presumption drawn from the manner of delivery, standing in for the very facts the government bears the burden of proving.

Reliability has two components, and only one of them is served by the manner in which a report is delivered. A tip must demonstrate “the informant’s basis of knowledge or veracity,” *Florida v. J.L.*, 529 U.S. 266, 270 (2000) (*quoting Alabama v. White*, 496 U.S. 325, 329 (1990)), and it must be “reliable in its assertion of illegality, not just in its tendency to identify a determinate person.” *J.L.*, 529 U.S. at 272. *Gates* did not abolish the second inquiry. It held that “a deficiency in one may be compensated for, in determining the overall reliability of a tip, by a strong showing as to the other, or by some other indicia of reliability.” 462 U.S. at 233. A deficiency may be compensated for. It may not be assumed away.

The question has never had to be decided, because in every decision that built this body of law the informant said what she had seen. The man in *United States v. Sierra-Hernandez*, 581 F.2d 760 (9th Cir. 1978), told the agent, “The black pickup truck just loaded with weed at the canebreak.” *Id.* at 762. The neighbor in *United States v. Christmas*, 222 F.3d 141 (4th Cir. 2000), told the officers to “come and deal with the drugs and the guns that these guys have on the porch two doors down from me,” and gave her address. *Id.* at 143. The informant in *United States v. Valentine*, 232 F.3d 350, 352 (3d Cir. 2000), said he “had just seen a man with a gun.” And the Fifth Circuit in *United States v. Rose*, 48 F.4th 297, 305 (5th Cir. 2022), credited its informant because he “explained exactly how he knew about the alleged criminal activity: he was an eyewitness to conduct occurring in plain view at a public place.”

So the rule was announced in cases where knowledge was never in doubt, and it was announced in language that speaks only to honesty. This case is what the rule looks like when both are missing. The woman described no act. She named nothing she had seen. She asserted a conclusion about what was concealed on other people’s bodies, and the deputies acted on it without a question, without a name, and without waiting to see anything for themselves. *Adams* warned that this could not be done by rule: “Informants’ tips, like all other clues and evidence coming to a policeman on the scene, may vary greatly in their value and reliability. One simple rule will not cover every situation. Some tips, completely lacking in indicia of reliability, would either warrant no police response or require further investigation before a forcible stop of a suspect would be authorized.” 407 U.S. at 147.

This is an important question of federal law that has not been, but should be, settled by this Court. Justice Kennedy, joined by the Chief Justice, wrote in *J.L.* that “there are many indicia of reliability respecting anonymous tips that we have yet to explore in our cases.” 529 U.S. at 274 (Kennedy, J., concurring). Twenty-six years later, the lower courts have converted a rationale about honesty into a warrant for seizure, and no court has explained the step. The petition should be granted.

STATEMENT OF THE CASE

A. The tip

On January 29, 2024, Corporal Christopher Martin and Deputy Seth Evans of the Ouachita Parish Sheriff's Office were on patrol in a Monroe neighborhood that Martin knew from prior narcotics and firearms investigations. ROA.267-69. As they turned onto Adams Street, a woman flagged them down. ROA.270. Asked at the suppression hearing who had flagged him down, Martin answered: "A black female. I have no idea who she was, but she was just a citizen walking down the street." ROA.270.

She told him that "these three young men had dope on them," gesturing to three men standing about a car's length away in the parking area at 2011 Adams Street. ROA.270. When Martin said, "They do?," she added that the men "also called me a bitch." ROA.275. Martin replied, "Oh, no, ma'am, if they called you a bitch, we're going to take care of them." ROA.275. He testified that he was being sarcastic, and that he meant "[p]ut them in jail, talk to them, whatever." ROA.275. Asked whether he turned into the lot because the woman had been insulted, he answered, "No." ROA.277-78.

That was the whole of the report. The woman did not say she had seen a drug transaction, or a hand-to-hand, or contraband. She did not say what she had observed, or when. She did not say how she knew that the men possessed narcotics. Martin did not ask. He testified that he had never encountered her before, ROA.293, that the conversation lasted "a few seconds," ROA.293, and that he asked no "probing

questions” and conducted no “interview,” ROA.294. He did not ask how she knew the men had drugs, whether she had bought drugs from them, or whether she had witnessed a sale. ROA.294. Asked whether he “had no clue whether she made it up or actually had knowledge that they had dope on them,” he answered, “Yes, sir.” ROA.294. Asked whether he had probed the tip at any level, he answered: “I probed into it by getting out to speak with the people she said had dope on them.” ROA.295. He did not learn her name, her address, or how to reach her before he acted. She had arrived on foot; there was no vehicle to describe.

Martin testified that the three men were near enough to hear what she said. “All three of them subjects were closer to the roadway whenever the black female was giving this information. They knew that -- they could obviously hear her tell us the information, and they started to slowly move backwards towards the residence.” ROA.298. Only after Rodgers was handcuffed did Deputy Evans return to speak with her, and she was then, the district court found, “unable to provide her birthdate, stating that she did not know it,” though she was “able to provide her name when asked.” ROA.214. The body camera footage of this interaction shows the woman slurring her words and appearing intoxicated. ROA.214; Exhibit B – Evans Body Camera at 05:00-06:00.

B. The seizure

Martin turned his patrol car into the shared driveway and immediately seized Rodgers. ROA.275. Before their patrol vehicle had even stopped, Martin yelled out of the window directly to Rodgers: “Sheriff’s Office. Stop.” ROA.297 (emphasis added).

As he turned in, Martin saw Rodgers break eye contact, grab at his waistband, and turn away. ROA.275-76. Rodgers walked toward the front door of the house behind him. ROA.276. Martin called from his window that Rodgers should not “go in that house and run.” ROA.276. Rodgers continued to the door and appeared to reach for the door. ROA.226. Martin described the conduct as what the deputies call “ghost knocking,” while acknowledging that he “couldn’t answer what he was doing, but it looked like he was -- what appeared to be ghost knocking.” ROA.283, 311. Martin then got out of the patrol car, took hold of Rodgers, pulled him away from the door, and began walking him back toward the patrol unit. ROA.276. That was the seizure. Only afterward did Rodgers pull free and run. ROA.276. Martin took him to the ground, and during the struggle Rodgers reached toward his waistband. ROA.276-77. The other two men fled the scene. ROA.282-83. After Rodgers was handcuffed, a patdown recovered a loaded Glock pistol, and officers recovered a partially smoked marijuana cigarette, a digital scale, a black ski mask, a cellular telephone, and approximately \$171 in cash. ROA.214.

C. The proceedings below

Rodgers was indicted for possession of a firearm by a convicted felon, 18 U.S.C. § 922(g)(1). ROA.10-11. He moved to suppress, arguing that the tip lacked any indicium of reliability under *United States v. Martinez*, 486 F.3d 855 (5th Cir. 2007), because the deputies did not know who the woman was, did not assess her credibility, and did not corroborate what she said. ROA.24-33. The government answered that the basis for the stop “came from an actual, live civilian witness (not an anonymous

informant through a tipline) who flagged down the deputies.” ROA.116. In the court of appeals, the government put the point in terms of the presumption, arguing that where a report comes from an “average citizen” in person, “officers may presume the information is reliable,” and citing *United States v. Burbridge*, 252 F.3d 775 (5th Cir. 2001), and *United States v. Miles*, 275 F.3d 1078 (5th Cir. 2001) (unpublished). Fifth Circuit Br. for United States 16.

The magistrate judge recommended denial. ROA.213-29. She applied the four factors set out in *Martinez*, 486 F.3d at 861 (citing *United States v. Gonzalez*, 190 F.3d 668, 672 (5th Cir. 1999)), and found the tip reliable on four grounds: that the woman identified three men in the deputies’ line of sight and said they possessed narcotics, which she found sufficiently specific; that the deputies “were able to independently corroborate the tip by observing the young men’s behavior,” the behavior being Rodgers’s waistband movement and his turn away; that photographic exhibits confirmed the proximity of the deputies to the men when the report was made, “further bolstering the credibility of her report”; and that the tip concerned ongoing rather than stale activity. ROA.224-25. She separately found flight, ROA.226, and a high-crime area, ROA.227. Rodgers objected, arguing that the woman was not a known informant under *J.L.* because the officers had no idea who she was. ROA.230-31. The district court adopted the recommendation and denied the motion. ROA.238.

Rodgers entered a conditional guilty plea preserving the suppression ruling, ROA.239-40, 345-53, and was sentenced to 41 months. ROA.252-53. The court of

appeals affirmed in an unpublished per curiam opinion on the summary calendar. App. 001-002. Its analysis is one sentence: “The record reveals that based on the totality of the circumstances, such as Rodgers’s presence in a high crime area, his furtive gestures, and his evasive maneuvers, officers had reasonable suspicion to justify an investigatory stop.” App. 002. It cites *United States v. Wright*, 74 F.4th 722 (5th Cir. 2023), and *United States v. Darrell*, 945 F.3d 929 (5th Cir. 2019).

REASONS FOR GRANTING THE WRIT

I. This Court has permitted an officer to forgo scrutiny of an in-person informant's basis of knowledge only where her honesty was shown, and it has never held that honesty may be presumed from the manner of delivery

A. Reliability has two components, and this Court has kept them distinct

An informant's report is worth something only if she is both honest and informed. A tip must demonstrate "the informant's basis of knowledge or veracity." *Florida v. J.L.*, 529 U.S. 266, 270 (2000) (quoting *Alabama v. White*, 496 U.S. 325, 329 (1990)). It must be "reliable in its assertion of illegality, not just in its tendency to identify a determinate person." *J.L.*, 529 U.S. at 272. That was the defect in *J.L.*: the caller correctly described a young man in a plaid shirt, and correctly identifying a person "does not show that the tipster has knowledge of concealed criminal activity." *Id.* And in *White*, what saved the tip was that the caller's predictions, once verified, gave "reason to believe not only that the caller was honest but also that he was well informed." 496 U.S. at 332.

Illinois v. Gates, 462 U.S. 213 (1983), replaced the rigid two-pronged test of *Aguilar v. Texas*, 378 U.S. 108 (1964), and *Spinelli v. United States*, 393 U.S. 410 (1969), with a totality inquiry. It did not abolish the second prong. It held that veracity and basis of knowledge "are better understood as relevant considerations in the totality-of-the-circumstances analysis," and that "a deficiency in one may be compensated for, in determining the overall reliability of a tip, by a strong showing as to the other, or by some other indicia of reliability." 462 U.S. at 233. Compensation requires something to compensate with.

B. *Adams v. Williams* credited a face-to-face tip because the informant's honesty was established, not because the manner of delivery showed that she knew

Adams v. Williams, 407 U.S. 143 (1972), is the decision on which this body of law rests, and it is the decision the courts of appeals have stopped reading. In *Adams*, Sergeant Connolly was on patrol at 2:15 a.m. when “a person known to Sgt. Connolly approached his cruiser and informed him that an individual seated in a nearby vehicle was carrying narcotics and had a gun at his waist.” 407 U.S. at 144-45. This Court held that “the information carried enough indicia of reliability to justify the officer’s forcible stop of Williams.” *Id.* at 147.

The reasons the Court gave were reasons about the informant, and every one of them is absent here. “The informant was known to him personally and had provided him with information in the past.” *Id.* at 146. He “came forward personally to give information that was immediately verifiable at the scene.” *Id.* And “under Connecticut law, the informant might have been subject to immediate arrest for making a false complaint had Sgt. Connolly’s investigation proved the tip incorrect.” *Id.* at 146-47. The tip itself carried a checkable particular: a gun at the man’s waist, in a described car a few feet away, which the officer confirmed on the spot. *Id.* at 145. *Gates* read *Adams* exactly that way. Explaining when a report may be credited without inquiry into its foundation, the Court wrote that “if an unquestionably honest citizen comes forward with a report of criminal activity—which if fabricated would subject him to criminal liability—we have found rigorous scrutiny of the basis of his knowledge unnecessary,” and it cited *Adams*. *Illinois v. Gates*, 462 U.S. at 233-34.

Gates also explained what does the work when honesty is in doubt: “even if we entertain some doubt as to an informant’s motives, his explicit and detailed description of alleged wrongdoing, along with a statement that the event was observed first-hand, entitles his tip to greater weight than might otherwise be the case.” *Id.* at 234. Detail and firsthand observation, in other words, are what compensate for a doubtful informant. This tip had neither.

C. *Gates* requires a showing, and the courts below accepted a presumption

Gates is a rule about what the government must produce. A deficiency in one component of reliability “may be compensated for, in determining the overall reliability of a tip, by a strong showing as to the other, or by some other indicia of reliability.” *Illinois v. Gates*, 462 U.S. at 233. A strong showing is made, not assumed, and the burden of making it rests on the government, which invoked the tip to justify the seizure. The distinction between finding a fact and presuming it is not a quibble about sufficiency. It is the difference between a totality analysis and a shortcut around one.

The Fifth Circuit has said as much in the very line of cases the government relied on below. Where the government offers no evidence of an informant’s reliability, *United States v. Martinez*, 486 F.3d 855 (5th Cir. 2007), holds, “the report is the functional equivalent of an anonymous tip,” and “[t]o characterize it as anything else would be to assume the very credibility and reliability that the government has the burden of proving.” *Id.* at 862. That is what happened here. The deputies learned nothing about the woman, and the courts below supplied by

presumption what the record did not contain: that she was honest, and that because she was honest she must have known.

A presumption of honesty could not do that work even if it were earned. Honesty and knowledge are different facts, and *Gates* says so when it identifies what compensates for a doubtful informant: “his explicit and detailed description of alleged wrongdoing, along with a statement that the event was observed first-hand.” 462 U.S. at 234. Detail and firsthand observation are the currency of basis of knowledge. The manner in which a report is delivered is not currency at all. It is a reason to listen. What this Court has never held is that the act of speaking to an officer in person is itself both the veracity showing and the substitute for a basis of knowledge. *Adams* did not hold it, because the informant’s honesty was established independently. *Gates* did not hold it, because its premise was an unquestionably honest citizen. The question is open, and it is the question this case presents.

D. The courts of appeals have detached the excuse from its premise, and no decision has confronted the step

The Fifth Circuit is not the only court of appeals that has strayed from this Court’s principles. In *United States v. Sierra-Hernandez*, 581 F.2d 760 (9th Cir. 1978), the informant said, “The black pickup truck just loaded with weed at the canebreak,” *id.* at 762, and the Ninth Circuit relied on the content of the report: the tip was “neither vague as to the time of the criminal activity” nor “imprecise as to the kind of crime being committed,” and “[t]he suspect was clearly indicated and his criminal actions were described with some particularity.” *Id.* at 763. In *United States v. Christmas*, 222 F.3d 141 (4th Cir. 2000), the informant told the officers to “come

and deal with the drugs and the guns that these guys have on the porch two doors down from me,” and gave the address she lived at and the address she was complaining of. *Id.* at 143. In *United States v. Valentine*, 232 F.3d 350, 352 (3d Cir. 2000), the informant “had just seen a man with a gun.” *Id.* at 352. In *United States v. Heard*, 367 F.3d 1275 (11th Cir. 2004), the informant had been arguing with the defendant moments before and reported the defendant had a gun. *Id.* at 1277. In *Davis v. United States*, 759 A.2d 665 (D.C. 2000), the informant reported a man in a wheelchair “selling crack cocaine out of his right shoe,” with “approximately twenty ziplock bags secreted in the shoe.” *Id.* at 667. In *United States v. Gomez*, 623 F.3d 265, 267 (5th Cir. 2010), the caller reported a man brandishing a black and gray pistol and gave the make, model, and license plate of the car he entered. And in *United States v. Rose*, 48 F.4th 297 (5th Cir. 2022), the Fifth Circuit held the informant more reliable than the caller in *J.L.* because he “explained exactly how he knew about the alleged criminal activity: he was an eyewitness to conduct occurring in plain view at a public place.” *Id.* at 305.

Not one of those courts had to decide whether the manner of delivery alone would do, because in not one of those cases did it stand alone. The rule they announced, however, was stated as though it did. *Christmas* put it in the language of a categorical presumption: “citizens who personally report crimes to the police thereby make themselves accountable for lodging false complaints.” 222 F.3d at 144. *Valentine* reasoned that an informant reporting on a man nearby “is exposed to a risk of retaliation from the person named, making it less likely that the informant will

lie.” 232 F.3d at 354. *Heard* added that an officer may “observe the demeanor and perceived credibility of the informant.” 367 F.3d at 1279. Every one of those sentences is about whether the speaker is telling the truth as she believes it. Not one is about whether what she believes is worth anything. Exposure to consequences disciplines a liar but it does not inform a stranger.

Sierra-Hernandez, the case on which much of this law rests, said the same thing in the language of caution. Information from “a citizen who confronts an officer in person to advise that a designated individual present on the scene is committing a specific crime should be given serious attention and great weight by the officer.” 581 F.2d at 763. But the Ninth Circuit did not stop there. It added, in the next breath, that “whether the information is sufficient to justify a stop must be evaluated with reference to the facts of each case, for there is no per se rule of reliability,” and that although there is “no per se rule requiring an officer to obtain the identity of the informant before he acts,” a court “must consider both the circumstances in which the tip was made and the facts which would justify the officer in acting without knowing the citizen’s identity.” *Id.* In *Sierra-Hernandez* there were such facts. Here the courts below identified none, and did not look.

E. The decision below is what happens when the label outruns the reason

The woman here reported no act. She said the men “had dope on them,” ROA.270, which is a conclusion about the contents of other people’s clothing, and it is not verifiable at the scene by anything short of the search it was used to justify. She did not say she saw a sale, or a package, or a hand move to a pocket. She was not

known to the deputies, she had never given them information before, and no one asked her anything. ROA.270, 293-94. The corporal conceded he could not tell whether she had made it up. ROA.294. When she later appeared on the body cameras after the seizure she slurs her words and appears intoxicated. ROA.214; Exhibit B – Evans Body Camera at 05:00-06:00. And the district court, applying those factors, found the tip specific because the woman pointed at three men and said they had drugs, ROA.224-25, which is to say it found the tip specific in its tendency to identify determinate persons. That is the very reasoning *J.L.* rejected. 529 U.S. at 272. The court then found the tip corroborated by the movement of Rodgers’s hand toward his waistband, ROA.225, which is to say it found the accusation confirmed by the conduct the accusation had made suspicious.

II. The question is important, it recurs, and it is unsettled by this Court

The stakes are practical. The presumption being used by the courts of appeals dispenses with corroboration. An anonymous tip must be corroborated before it will support a stop. *White*, 496 U.S. at 329-32; *J.L.*, 529 U.S. at 270-71. A presumptively credible citizen’s report need not be corroborated at all. Whether an in-person accusation carrying no basis of knowledge falls on one side of that line or the other therefore decides whether a person may be seized on a stranger’s say-so.

A stranger stopping an officer to accuse someone standing nearby is a common way a street encounter begins, and it is the situation in which an officer knows least and must decide fastest. Officers are entitled to know what the law asks of them, and

they cannot learn it from decisions that announce a rule about honesty in cases where knowledge was never in question.

Petitioner acknowledges that there is not an entrenched circuit split on this issue. The courts of appeals have been uniform, and that uniformity is the problem rather than an answer to it. The assumption has gone unexamined because it has never been contested in a case where it mattered: where the informant said nothing she had seen, where the officer knew nothing about her, and where the tip supplied the whole of the suspicion. This Court's review is the only mechanism available, and Rule 10(c) exists for the case in which an important question of federal law "has not been, but should be, settled by this Court."

This Court has twice signaled that the area is open. *Adams* itself declined to lay down a rule: "One simple rule will not cover every situation. Some tips, completely lacking in indicia of reliability, would either warrant no police response or require further investigation before a forcible stop of a suspect would be authorized." 407 U.S. at 147. And Justice Kennedy, joined by the Chief Justice, wrote in *J.L.* that "there are many indicia of reliability respecting anonymous tips that we have yet to explore in our cases." 529 U.S. at 274 (Kennedy, J., concurring). His example of a tip that might be "anonymous but nevertheless sufficiently reliable to justify a proportionate police response" was one given "when an unnamed person driving a car the police officer later describes stops for a moment and, face to face, informs the police that criminal activity is occurring." *Id.* at 276. This example was offered in the course of observing that the indicia of reliability have yet to be explored, which is petitioner's

point rather than the government's. And the informant in the example gives the officer something: a car the officer can describe, and a report of criminal activity occurring, which the officer may then look for. A citation to *Sierra-Hernandez* follows immediately, *id.*, and the tip in *Sierra-Hernandez* identified a vehicle, a location, a substance, and a completed act of loading. The example is not this case.

III. This case is a suitable vehicle, and the decision below is wrong

A. The question was pressed and passed upon

From the motion to suppress forward, Rodgers has argued that the tip carried no indicium of reliability under *Martinez*: the deputies did not know the informant, did not assess her, and did not corroborate her. ROA.24-33, 230-31. The government answered by invoking the in-person presumption. Fifth Circuit br. for United States at 16. The district court resolved the dispute against Rodgers, applying the four *Martinez* factors and holding the tip reliable. ROA.224-25. Rodgers pressed the same claim in both briefs in the court of appeals and preserved the ruling by conditional plea. ROA.239-40, 345-53. There is no forfeiture, no waiver, and no appeal-waiver problem.

The magistrate judge found the tip specific because the woman pointed at the men she accused, and she found it corroborated by the very conduct the accusation made suspicious. ROA.224-25. Both findings assume that the accusation itself was worth crediting, which is the question presented. The court of appeals affirmed on the totality of the circumstances, and a totality that includes an accusation includes the question of what the accusation was worth.

B. Petitioner was seized when Corporal Martin took hold of him, and the conduct the government relies on most heavily came afterward

Under *California v. Hodari D.*, 499 U.S. 621 (1991), a seizure occurs upon the application of physical force or submission to a show of authority. Corporal Martin got out of his patrol car, took hold of Rodgers at the door, pulled him away from it, and began walking him back to the unit. ROA.276. Rodgers was seized at that moment. He pulled free and ran only after. ROA.276. The government agrees on the governing principle; it told the court of appeals that a suspect “is not considered ‘seized’ until after officers forcibly restrain him.” Fifth Circuit Br. for United States 24.

That sequence matters. The magistrate judge found flight, and she found it in the walk to the door rather than in the running, reasoning that a “quick walk away, as exhibited here, is sufficient to be considered flight for purposes of reasonable suspicion.” ROA.226 (citing *United States v. Darrell*, 945 F.3d 929, 936-37 (5th Cir. 2019)). But in *Illinois v. Wardlow*, 528 U.S. 119 (2000), the officers watched the defendant run before they seized him, and this Court sustained the stop because “[h]eadlong flight—wherever it occurs—is the consummate act of evasion,” and because the flight was “unprovoked.” *Id.* at 124. Neither is true here. A man who turns and walks to the door of the house he is standing in front of, while a patrol car pulls into the driveway, has not committed the consummate act of evasion. And nothing he did was unprovoked: the deputies had just been told by a stranger, in his hearing, ROA.298, that he was carrying drugs, and they turned in to act on it,

ROA.311. The running, the only conduct in this record that resembles *Wardlow*, came after Corporal Martin had already taken hold of him.

C. Nothing the deputies knew when they acted sustains the stop, and the United States has never contended otherwise

The panel affirmed on “Rodgers’s presence in a high crime area, his furtive gestures, and his evasive maneuvers.” App. 002. Strip out what the deputies did not yet know and what had not yet happened, and what remains is a hand near a waistband and a walk toward a door. What made the hand suspicious in the deputies’ eyes was the accusation they had just heard, and the district court said as much when it treated that same conduct as corroboration of the tip. ROA.225. Neither decision the panel cited supplies an independent ground: the tipster in *United States v. Wright*, 74 F.4th 722 (5th Cir. 2023), reported seeing the occupants of a described gold Corolla “doing a re-up,” and the police verified the car, *id.* at 724-25, 730, and the officers in *Darrell* had an investigation, a warrant, and a target before the defendant moved, 945 F.3d at 930-31. The deputies here had an accusation. It is the accusation that brought them into the driveway, and if it was worthless, nothing lawful brought them there at all.

The government has never argued otherwise. Arguing in the alternative below, it told the Fifth Circuit that even if Rodgers did not flee, its analysis “was still backed by numerous other considerations,” and then identified them: “[t]he citizen tip, Rodger’s furtive, concealing movements, and the high-crime nature of the area at issue.” Fifth Circuit Br. for United States 25. The tip led the list, and the supporting

citation was to *Wright*, itself a tip case. The party best positioned to identify an alternative ground has declined to identify one.

D. The petition does not ask the Court to disaggregate the totality of the circumstances

This Court recently held in *District of Columbia v. R.W.*, 608 U.S. ___, 146 S. Ct. 1069 (2026) (per curiam), that the totality standard “precludes this sort of divide-and-conquer analysis.” *Id.* at 1072 (quoting *United States v. Arvizu*, 534 U.S. 266, 274 (2002)). Petitioner accepts that, and it is no obstacle. Asking what a tip is worth is not dividing the totality; it is assembling it. *Gates* directs courts to weigh veracity and basis of knowledge as “relevant considerations in the totality-of-the-circumstances analysis.” 462 U.S. at 233. A court that credits an accusation because of the manner of its delivery, without asking what stands behind it, has skipped a step and called the result a totality.

E. The decision below is wrong

Every rationale offered for the presumption fails on this record. The demeanor rationale presupposes that the officer used the opportunity the encounter afforded, *Heard*, 367 F.3d at 1279, but Martin spoke with the woman for “a few seconds” and asked her nothing, ROA.293-94. The accountability rationale presupposes an unquestionably honest citizen, *Gates*, 462 U.S. at 233-34, and Martin did not know who she was, did not ask, and conceded he could not tell whether she was making it up, ROA.270, 294. She was slurring her words and seemed intoxicated when she appeared on the body camera moments later. ROA.214; Exhibit B – Evans Body Camera at 05:00-06:00. The Fifth Circuit’s own formulation presupposes the absence

of “specific reasons for police to doubt his or her truthfulness,” *United States v. Blount*, 123 F.3d 831, 835 (5th Cir. 1997) (en banc), yet the woman’s stated grievance was that the men had insulted her, ROA.275.

The failure is more basic than any of that. Even a sincere, traceable, sober, and disinterested informant must report something. This one did not. She asserted a conclusion about what was hidden on three men’s bodies, offered nothing she had seen, and was asked nothing. Under *J.L.* a tip must be “reliable in its assertion of illegality,” 529 U.S. at 272, and under *Gates* a deficiency in basis of knowledge must be compensated for by a strong showing as to veracity or some other indicium of reliability, 462 U.S. at 233. Here there was a deficiency and nothing to compensate with. The seizure that followed was unreasonable.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted this July 13, 2026,

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