

No. 26-_____

In the Supreme Court of the United States

FREDRICK EUGENE CARNEY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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Questions Presented

A seizure of property occurs when there is “some meaningful interference with an individual’s possessory interests in that property.” *United States v. Jacobsen*, 466 U.S. 109, 113 (1984). And because the Fourth Amendment “protects property as well as privacy,” a seizure implicates the owner’s Fourth Amendment rights whether or not any privacy interest is at stake. *Soldal v. Cook County*, 506 U.S. 56, 62–64 (1992).

Police officers seized and towed petitioner’s car—indisputably his own “effect”—from a carport within the fenced backyard of his sister’s home. The district court assumed petitioner could contest the seizure and denied suppression on other grounds. The Sixth Circuit affirmed solely on the ground that petitioner lacked Fourth Amendment standing. According to the panel, petitioner could not challenge the seizure of his own car without first proving a reasonable expectation of privacy in his sister’s residence. The questions presented are:

1. Whether the owner of a vehicle has Fourth Amendment standing to challenge a seizure based on a possessory interest in the vehicle itself, or whether he must instead establish a legitimate expectation of privacy in the premises from which the vehicle was seized.

2. Whether a court of appeals may affirm the denial of a motion to suppress on a fact-intensive ground the district court expressly declined to decide, resolving the record against the defendant in the first instance on appeal.

Parties to the Proceeding

Petitioner Fredrick Eugene Carney was a defendant in the district court and an appellant below. Respondent is the United States of America. William John Ewing, petitioner's co-defendant, was an appellant in the consolidated appeal below (No. 25-5097) but is not a party to this petition.

Related Proceedings

United States v. Carney, No. 3:22-cr-00174-1, U.S. District Court for the Middle District of Tennessee. Judgment entered November 18, 2024.

United States v. Carney, Nos. 24-6051/25-5097, U.S. Court of Appeals for the Sixth Circuit. Opinion issued March 24, 2026; petition for panel rehearing denied April 21, 2026.

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Petition for a Writ of Certiorari

Fredrick Eugene Carney respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

Opinions Below

The opinion of the court of appeals is unreported but available at 2026 WL 813847. The district court's order denying petitioner's motion to suppress is unreported.

Jurisdiction

The court of appeals entered judgment on March 24, 2026, and denied a timely petition for panel rehearing on April 21, 2026. Pet. App. 26a. This Court has jurisdiction under 28 U.S.C. § 1254(1).

Constitutional Provision 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.

Statement of the Case

On May 2, 2022, law enforcement officers went to the home of petitioner's sister, Latika Poole, looking for petitioner in connection with a series of robberies. Pet. App. 96a-97a. Poole lived at the home with petitioner's co-defendant, William Ewing. Pet. App. 108a. When officers arrived, petitioner fled through the back door; he was arrested that day pursuant to a warrant. Pet. App. 97a.

Poole spoke with officers and signed a consent form authorizing a search of her property. Pet. App. 110a. She told officers that the black Dodge Charger parked in the carport behind her home belonged to petitioner and that petitioner "sometimes sleeps" at her residence. Pet. App. 139a, 150a-151a. The carport sat toward the rear of the property, within its fenced-in perimeter. Pet. App. 42a, 94a, 117a. Without a warrant, officers seized the Charger and towed it away. Only after the seizure did they obtain a warrant to search the car, from which they gathered evidence later used against petitioner at trial.

Other suppression-hearing evidence confirmed petitioner's ties to his sister's home. The day of his arrest, petitioner texted his girlfriend, Kelsey Stringfield, to pick him up at "Will crib"—shorthand Stringfield immediately understood to mean Poole and Ewing's home on Flint Ridge. Pet. App. 106a, 108a. When petitioner met Stringfield, he carried a backpack filled with personal items—deodorant, toothpaste, a toothbrush, money. Pet. App. 81a-82a, 109a, 156a. Stringfield explained that petitioner never left those items at her place; he brought them only when he stayed overnight with her. Pet. App. 108a-109a.

Ultimately, a grand jury in the Middle District of Tennessee charged petitioner with Hobbs Act robbery, 18 U.S.C. § 1951, armed bank robbery, 18 U.S.C. § 2113(a) and (d), several counts under 18 U.S.C. § 924(c), and being a felon in possession of a firearm, 18 U.S.C. § 922(g)(1).

Before trial, petitioner moved to suppress the fruits of the warrantless seizure of his car. The government argued, among other things, that petitioner lacked Fourth Amendment standing to challenge the seizure. The district court did not decide that question. It instead denied the motion on the merits, concluding that the plain-view doctrine and the automobile exception justified the seizure. Pet. App. 14a. Because the district court bypassed standing, it made no findings about petitioner's connection to his sister's home or his interest in the seized car, and petitioner had no occasion to offer testimony or further evidence directed at that issue.

A jury convicted petitioner, and the district court sentenced him to 384 months of imprisonment. Pet. App. 7a. The Sixth Circuit affirmed. As relevant here, the panel did not review the district court's plain-view or automobile-exception rulings. Pet. App. 14a. It instead held—in the first instance—that petitioner lacked standing to contest the seizure of his own car. Pet. App. 14a.

The panel's analysis addressed a single question: whether petitioner had a reasonable expectation of privacy in Poole's residence. Applying its precedents governing guests' privacy interests in a host's home, the panel reasoned that “a person has no reasonable expectation of privacy where he is neither a resident nor an overnight guest in a residence,” Pet. App. 12a (quoting *United States v. Plavcak*, 411

F.3d 655, 665 (6th Cir. 2005)), and that a guest must show a “meaningful connection to the residence,” Pet. App. 12a (quoting *United States v. Haynes*, 108 F. App’x 372, 374 (6th Cir. 2004)). Viewing “the evidence in the light most favorable to the government,” Pet. App. 22a (quoting *United States v. Taylor*, 121 F.4th 590, 594 (6th Cir. 2024)), the panel concluded that Poole’s statement that petitioner “sometimes sleeps” at her home did not establish a privacy interest there, and it “liken[ed]” petitioner to “only a casual visitor, who lacks Fourth Amendment standing to challenge a search or seizure at Poole’s residence.” Pet. App. 13a.

At no point did the panel ask the antecedent question raised by a seizure: whether petitioner had a possessory interest in the car the officers took. That interest was undisputed. Poole told officers the Charger “belonged to Carney,” Pet. App. 5a, and the panel’s opinion repeatedly described the vehicle as “his black Dodge Charger.” Pet. App. 4a, 7a, 11a.

Petitioner sought panel rehearing, marshaling the suppression-hearing record, highlighted above, that supported his connection to the residence. The court denied rehearing. Pet. App. 26a.

Reasons for Granting the Petition

The Sixth Circuit held that the undisputed owner of a car cannot even contest its warrantless seizure from a relative’s backyard unless he first proves a reasonable expectation of privacy in the relative’s home. That holding conflicts with this Court’s repeated instruction that the Fourth Amendment “protects property as well as privacy,” *Soldal v. Cook County*, 506 U.S. 56, 62 (1992).

A seizure of property invades the owner’s possessory interests whether or not any privacy interest is implicated. The panel thus answered the wrong question—and it did so in the first instance on appeal, resolving a record-bound issue against petitioner under a standard that presumes findings the district court never made. Both errors warrant this Court’s review.

I. The decision below conflicts with this Court’s holdings that a seizure of property invades the owner’s possessory interests, not merely privacy interests.

The Fourth Amendment secures “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. Searches and seizures are different intrusions on different interests. A search occurs when government actions compromise individual privacy interests. *United States v. Jacobsen*, 466 U.S. 109, 113 (1984). A seizure, by contrast, occurs when “there is some meaningful interference with an individual’s possessory interests in that property.” *Id.* This Court has therefore rejected—unanimously—the proposition that a person must show an invasion of privacy before he may challenge a seizure of his property.

In *Soldal*, sheriff’s deputies stood by while a trailer home was wrenched from its moorings and towed away. 506 U.S. at 58. The Seventh Circuit saw no Fourth Amendment issue because the seizure did not invade the owners’ privacy interests. *Id.* at 59-60. This Court reversed: the seizure of the home implicated the Fourth Amendment “even though no search . . . ha[d] taken place.” *Id.* at 68. *Katz*, the Court

explained, “did not snuff[f] out” the Fourth Amendment’s “previously recognized protection for property.” *Id.* at 64 (internal quotation marks omitted).

Soldal built on the plain-view cases, which hold that even where an item sits in open view—where its owner retains no privacy interest at all—its seizure “would obviously invade the owner’s possessory interest” and so must satisfy the Fourth Amendment. See 506 U.S. at 66 (citing *Horton v. California*, 496 U.S. 128, 134 (1990)). And it is now settled that a vehicle is an “effect” within the meaning of the Amendment’s text. *United States v. Jones*, 565 U.S. 400, 404 (2012). From there, *Jones* reaffirmed that the Amendment’s protection of enumerated property—persons, houses, papers, and effects—operates independently of the *Katz* privacy framework. *Id.* at 409; see also *Byrd v. United States*, 584 U.S. 395, 403–05 (2018) (“property concepts” remain instructive when defining Fourth Amendment interests).

From these cases, the rule is straightforward. The government meaningfully interferes with a property interest when it tows away a person’s car. A seizure of property gives the property owner standing to assert their Fourth Amendment rights over their own property. Whether the seizure was nonetheless reasonable (because, for example, the car was in plain view from a lawful vantage point with a lawful right of access, or subject to the automobile exception) “is, of course, a different question.” *Soldal*, 506 U.S. at 61–62. But that question goes to the merits, not to the owner’s ability to raise the claim.

A. The Sixth Circuit answered only the privacy question—and never asked the possessory one.

The panel’s opinion analyzes one issue: whether petitioner had a reasonable expectation of privacy in his sister’s residence. It canvassed house-guest cases—mostly the Sixth Circuit’s offshoots from *Minnesota v. Olson*, 495 U.S. 91 (1990)—and concluded petitioner was a “casual visitor” who could not contest “a search or seizure at Poole’s residence.” Pet. App. 13a.

But *Olson*’s privacy framework was built for a different claim. Had officers searched Poole’s house and found evidence inside, petitioner’s ability to object would, rightly, turn on his meaningful connection to the place searched. But officers did not merely search a place; they took petitioner’s car. As to that seizure, the invaded interest was petitioner’s undisputed possessory interest in his own effect—an interest the panel never mentioned, let alone analyzed. Under *Soldal*, *Horton*, *Jacobsen*, and *Jones*, that interest is itself “an interest of the defendant which the Fourth Amendment was designed to protect.” *Rakas v. Illinois*, 439 U.S. 128, 140 (1978).

The panel’s contrary approach makes the owner’s ability to protect his effects turn entirely on where he parks. Had officers towed the Charger from a public lot, petitioner’s possessory interest would have been enough to contest the seizure. See *Florida v. White*, 526 U.S. 559, 561, 565–66 (1999) (adjudicating an owner’s challenge to the warrantless seizure of his car from his employer’s parking lot). Yet on the decision below, moving the same car to a sister’s backyard—a place more protected from intrusion—extinguished the right even to be heard. The Fourth Amendment’s

robust protections for property rights cannot diminish as the setting changes. Cf. *Collins v. Virginia*, 584 U.S. 586, 592–94 (2018) (automobile exception does not permit warrantless entry into curtilage to reach a vehicle).

B. *Rawlings* and *Salvucci* do not support the decision below.

The court below may have believed its approach followed from *Rawlings v. Kentucky*, 448 U.S. 98 (1980), and *United States v. Salvucci*, 448 U.S. 83 (1980), which hold that ownership of a seized item is not a substitute for a privacy interest in the area searched. See *Salvucci*, 448 U.S. at 92; *Rawlings*, 448 U.S. at 105–06. But those were search cases that disclosed the defendant’s property. The gravamen of the claim was the invasion of privacy, and the defendant had none to assert.

Here, by contrast, the gravamen of petitioner’s claim is the dispossession itself—the physical taking and towing of his car. No search of the car preceded or produced the seizure; officers searched the Charger only later, under a warrant whose fruits stand or fall with the lawfulness of the antecedent seizure. As to a dispossession, *Soldal*—decided twelve years after *Rawlings*—speaks directly: possessory interests are independently protected, “the absence of a privacy interest notwithstanding.” 506 U.S. at 66 (internal quotation marks omitted). At a minimum, the relationship between the *Rawlings* line and the *Soldal* line—in the recurring context of vehicles seized from third-party property—is a question only this Court can settle.

II. The question is important and recurring, and this case is an ideal vehicle to resolve it.

Cars are the effects the government seizes most often—for forfeiture, for evidence, for impoundment—and people routinely park them at the homes of relatives, partners, and friends. Under the decision below, an owner who does so forfeits any ability to contest the seizure of his own property unless he can carry the demanding burden of proving overnight-guest status. That rule strips Fourth Amendment protection from precisely the people least likely to have any other remedy, and it invites officers to time vehicle seizures for moments when a car sits on a third party's property.

The issue is cleanly presented. Petitioner's ownership of the Charger is undisputed. The government's own evidence established it, and the panel's opinion repeatedly refers to the car as petitioner's.

The panel's standing holding was the sole basis for affirmance on this issue. The court expressly declined to review the district court's plain-view and automobile-exception rationales. Pet. App. 14a. And the merits question the panel left unaddressed is substantial: the Charger sat in a carport within the fenced curtilage of a home, where the automobile exception does not reach, *Collins*, 584 U.S. at 592–94, and where the plain-view doctrine requires a lawful right of access to the object itself, *Horton*, 496 U.S. at 137.

This Court's intervention would not merely correct an error; it would resolve whether owners of seized effects get to raise such claims at all.

III. The panel compounded its error by resolving a record-intensive question in the first instance, against the defendant, under a standard designed for reviewing findings the district court never made.

The district court did not decide standing. It assumed petitioner could challenge the seizure and denied suppression on the merits. The court of appeals nonetheless resolved standing itself—and did so while “consider[ing] the evidence in the light most favorable to the government.” Pet. App. 11a (quoting *United States v. Taylor*, 121 F.4th 590, 594 (6th Cir. 2024)).

That approach inverted the ordinary allocation of functions between trial and appellate courts. In the suppression context in particular, this Court has emphasized that reviewing courts owe deference to the factual determinations and inferences of the judges who heard the evidence. *Ornelas v. United States*, 517 U.S. 690, 699 (1996). A government-favorable view of the record is a rule of deference to a ruling for the government; it has no purchase where the district court made no findings to defer to. Applied in the first instance, it simply stacks the deck: the appellate court finds the facts itself and resolves every inference against the defendant while doing so.

The consequences here were concrete. The panel faulted petitioner for failing to “cite to any evidence in the record” substantiating his overnight stays and his permission to keep the car at the home. Pet. App. 12a. But the suppression record—developed on the government’s witnesses, since the district court never required petitioner to litigate standing—contained exactly that evidence: Poole’s statement that her brother “sometimes sleeps” at the home; the backpack of toiletries and

personal effects petitioner carried out of the house, which his girlfriend testified he kept nowhere else; the “Will crib” text message showing the home was a familiar haunt; and the car’s placement in a carport within the home’s fenced perimeter. Reasonable inferences from that evidence readily support a meaningful connection to the residence—and, on the possessory-interest question that actually matters, they are beside the point, because ownership of the car was never contested.

Had the district court reached standing, petitioner could have developed the issue directly. The first-instance appellate resolution deprived him of that opportunity and of any factfinding at all. If this Court does not grant plenary review on the first question, it should at minimum grant, vacate, and remand for the court of appeals either to apply the correct possessory-interest framework or to return the standing question to the district court for findings on a properly developed record.

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted,
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July 20, 2026

Certificate of Compliance

As required by Supreme Court Rule 33.1(h), I certify that the foregoing Petition for a Writ of Certiorari contains 2,622 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2026.

/s/ Matthew A. Monahan
Matthew A. Monahan

Certificate of Service

I, Matthew A. Monahan, a member of the Bar of this Court, certify that on July 20, 2026, I caused one copy of the foregoing Petition for a Writ of Certiorari, together with the Motion for Leave to Proceed In Forma Pauperis, to be served by first-class mail, postage prepaid, on counsel for Respondent:

Solicitor General of the United States
Room 5616, Department of Justice
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Washington, DC 20530-0001

I further certify that an electronic copy of the petition was transmitted to SupremeCtBriefs@USDOJ.gov and that the petition was submitted through this Court's electronic filing system. All parties required to be served have been served.

Executed on July 20, 2026.

/s/ Matthew A. Monahan
Matthew A. Monahan