

No. _____

IN THE
Supreme Court of the United States

JOSE ALEJANDRO BELMONTE CARDOZO,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

**APPLICATION FOR AN EXTENSION OF TIME IN WHICH
TO FILE PETITION FOR A WRIT OF CERTIORARI**

To the Honorable John Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Fourth Circuit:

Under Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), petitioner Jose Alejandro Belmonte Cardozo, respectfully requests an extension of 14 days in which to file a petition for writ of certiorari in this case. The petition will seek review of the Fourth Circuit's decision in *United States v. Belmonte Cardozo*, 181 F.4th 461 (4th Cir. 2026), a copy of which is attached hereto as Appendix A.

In support of this application, petitioner states as follows:

1. The Fourth Circuit issued its opinion and entered judgment on July 13, 2026. App. 1a. The petition for a writ of certiorari is currently due on October 13, 2026. With the requested extension, the petition would be due on October 27, 2026. The Court’s jurisdiction will be invoked under 28 U.S.C. § 1254(1). In accordance with Supreme Court Rule 13.5, petitioner is filing this application at least ten days before the current due date. Petitioner has not previously sought an extension of the deadline.

2.a. On May 8, 2024, Mr. Belmonte, a United States citizen, arrived at Dulles Airport on a flight from Bogota, Colombia, that had originated in Santa Cruz, Bolivia. When Mr. Belmonte landed and presented himself for customs, he was ushered to a “secondary inspection” area, where Customs and Border Protection Intelligence Officer Sara Oliphant and her partner searched his personal belongings. Mr. Belmonte had two Apple iPhones in his possession, which were locked. Officer Oliphant instructed Mr. Belmonte to provide the passcode for his phones. She unlocked the phones and manually searched them. Approximately two minutes after she started the search, she found an image that she believed to be child pornography. After further review of the phones, Homeland Security Investigation officers took Mr. Belmonte into custody.

b. A federal grand jury in the Eastern District of Virginia indicted Mr. Belmonte on five counts of sexual exploitation of a minor; two counts of coercion and enticement of a minor to engage in illegal sexual activity; and one count each of

transportation, receipt, and possession of child pornography. Mr. Belmonte moved to suppress the evidence from his phones. He argued that a manual search of a cell phone is a nonroutine border search that requires at least reasonable suspicion. He also argued that the government did not have reasonable suspicion to search his phones. The government opposed the motion, arguing that the manual search of the cell phone is routine because it is no different than the search of Mr. Belmonte's luggage or other belongings. It also argued that even if the search was nonroutine, the officers had individualized suspicion and acted in good faith.

c. The district court had a hearing on the motion, at which Officer Oliphant testified. The court denied the motion from the bench. The court recognized that it was an open question in the Fourth Circuit whether some level of individualized suspicion was needed to manually search a cell phone at the border, but it determined that even if some level of suspicion was required, Officer Oliphant had the requisite level of suspicion to search Mr. Belmonte's phones. The court also concluded that Officer Oliphant acted in good faith.

d. Following the denial of his motion to suppress, Mr. Belmonte entered into a conditional plea agreement with the government, preserving his right to appeal the denial of his motion. On appeal, the Fourth Circuit affirmed in a published opinion. App. 19a. The panel acknowledged that the Fourth Circuit had previously held that forensic cell phone searches at the border are nonroutine and require "some measure of individualized suspicion." App. 11a (quoting *United States v. Kolsuz*, 890

F.3d 133, 137 (4th Cir. 2018)). But it concluded that manual searches are meaningfully different from forensic searches. App. 15a-17a. Thus, “[c]onsidering the differences in forensic and manual searches and balancing the government’s interest in preventing contraband from entering the country at the border with individuals’ privacy expectations in the data in their cell phones,” the panel held that “manual cell phone searches are routine border searches that do not require individualized suspicion.” App. 17a.

e. Mr. Belmonte’s forthcoming petition for certiorari will ask this Court to resolve a recurring question of significant importance: whether border agents can search the digital contents of a traveler’s cell phone—including messages, photographs, emails, and other private information—without any individualized suspicion. The Fourth Circuit’s holding treats cell phones like any other personal belonging at the border. But cell phones are different. As this Court previously noted, “[c]ell phones differ in both a quantitative and qualitative sense from other objects that might be kept on [someone’s] person.” *Riley v. California*, 573 U.S. 373, 393 (2014). Mr. Belmonte’s petition will ask this Court to resolve this issue and provide guidance to lower courts on how to assess searches of electronic devices at the border.

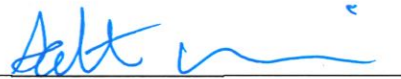
3. Counsel for Mr. Belmonte respectfully requests a 14-day extension of time, to and including October 27, 2026, within which to file a petition for writ of certiorari. Counsel has several other deadlines between now and the current due date of October 13, including the reply brief in *United States v. Lofton*, No. 26-4093

(4th Cir.), which is currently due on October 5, and the opening brief in *United States v. Bourne*, No. 26-4221 (4th Cir.), which is currently due on October 8.

For the foregoing reasons, petitioner respectfully requests a 14-day extension of time within which to file a petition for certiorari, to and including October 27, 2026.

Dated: October 1, 2026

Respectfully submitted,



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