(ORDER LIST: 574 U.S.)

MONDAY, NOVEMBER 10, 2014

ORDERS IN PENDING CASES

14M46 CRUZ, HECTOR J. V. UNITED STATES

14M47 JOSEY, TORREY V. WAL-MART STORES EAST

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

12-1497 KELLOGG BROWN & ROOT, ET AL. V. UNITED STATES, EX REL. CARTER

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

13-1041) PEREZ, SEC. OF LABOR, ET AL. V. MORTGAGE BANKERS ASSOC.
)
13-1052) NICKOLS, JEROME, ET AL. V. MORTGAGE BANKERS ASSOC., ET AL.

The motion of petitioners Jerome Nickols, et al. for divided argument is denied.

13-10098 JONES, FELICIA N. V. USPS

13-10477 HIMCHAK, WILLIAM A. V. PENNSYLVANIA

14-5024 HIRSCH, JOHN A. V. VT BD. OF BAR EXAMINERS

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

14-6425 HAM, DOYLE R. V. MD DOC, ET AL.

14-6499 MARTINEZ, FRANCISCO J. V. CALIFORNIA

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 1, 2014, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of

the Rules of this Court.

CERTIORARI DENIED

13-1480 ZUCKER, CLIFFORD V. FDIC

13-10103 JOHNSON, CARL L. V. MICHIGAN

13-10695 HUBBARD, MYRON V. ST. LOUIS PSYCHIATRIC CENTER

13-10731 CHARLES, LEPHAINE J. V. UNITED STATES

14-62 ANTHEM PRESCRIPTION, ET AL. V. JERRY BEEMAN, INC., ET AL.

14-130 TUSSEY, RONALD C., ET AL. V. ABB, INC., ET AL.

14-133 BLUM, SARAHJANE, ET AL. V. HOLDER, ATT'Y GEN.

14-146 RENO, NV V. GOLDMAN, SACHS & CO.

14-149 MARINER HEALTH CARE, ET AL. V. COLEMAN, ANN

14-250 SIMMONS, CHRISTOPHER B. V. FEDERAL NAT. MORTGAGE, ET AL.

14-255 KUMAR, PRIYA, ET VIR V. US BANK NATIONAL ASSN., ET AL.

14-258 MATIAS, EFRAIN V. MASSACHUSETTS

14-259 VAN TASSEL, LYNN A. V. HODGE, JUDGE, ETC., ET AL.

14-263 SCOTT, MARY T. V. METROPOLITAN HEALTH, ET AL.

14-269 BOLES, GRAYDON R. V. RIVA, REBECCA, ET AL.

14-286 BUTLER, DEBORAH V. ZONING BOARD OF APPEALS, ET AL.

14-289 DANIEL, SHERI V. BANK OF AMERICA

14-290 DANIEL, SHERI V. WELLS FARGO BANK, ET AL.

14-300 HODGE, YVONNE V. OAKLAND SCHOOL DISTRICT, ET AL.

14-305 STONEEAGLE SERVICES, INC. V. GILLMAN, DAVID, ET AL.

14-313 BELTRANENA, NELSON V. HOLDER, ATT'Y GEN.

14-345 WEINBERG, SUREKHA V. JOHNSON, WARDEN

14-356 PHELAN HALLINAN, ET AL. V. McLAUGHLIN, TIMOTHY

14-359 BUSTILLOS, ISRAEL V. NEW MEXICO

14-364 SNYDER, REGINALD B. V. PENNSYLVANIA

14-365 MEAD JOHNSON & CO., LLC V. JOHNSON, SCOTT

14-372 DECHERD, TN, ET AL. V. FREEZE, TERRY L., ET AL.

14-373 BROWN, FRANKLIN C. V. UNITED STATES

14-383 DADO, SALAH V. UNITED STATES

14-386 KANOFSKY, ALVIN S., ET AL. V. PHILADELPHIA TAX BOARD

14-389 CORPORATION, ET AL. V. UNITED STATES

14-394 LOOK, WILLIAM B. V. STATE BAR OF CA

14-397 QUINTANILLA, TIMOTHY V. SEC

14-401 MORGAN, CALVIN R. V. UNITED STATES

14-406 FREY, SARAH E., ET AL. V. EPA, ET AL.

14-408 ROLLINGS, TERRY J. V. UNITED STATES

14-409 O'BRIEN, MARTIN P., ET UX. V. WISCONSIN

14-414 THOMPSON, GARY V. JPMORGAN CHASE BANK, ET AL.

14-423 KB HOME V. ELLIOTT, MARK, ET AL.

14-5219 MUNOZ, CODY V. CALIFORNIA

14-5693 SPROUSE, KENT W. V. STEPHENS, DIR., TX DCJ

14-5742 SUTTERFIELD, KRYSTA V. MILWAUKEE, WI, ET AL.

14-6100 ARRINGTON, LANCE V. PENNSYLVANIA

14-6135 EVANS, JEFFREY A. V. PATTON, DIR., OK DOC

14-6136 DAYSON, JAMES M. V. MICHIGAN

14-6138 DIXON, LAWRENCE E. V. ZEEM, MUHAMMAD A., ET AL.

14-6139 ROBERTS, JOHN L. V. MYRICK, SUPT., TWO RIVERS

14-6143 SANCHEZ, EDUARDO V. CALFEE, JEFFREY, ET AL.

14-6147 PETKOWSKI, JOZEF V. CALIFORNIA

14-6152 DANFORD, WILLIE V. GRAHAM, SUPT., AUBURN

14-6154 COURON, RANDY D. V. DAVIS, WARDEN

14-6156 MELVIN, STEVEN J. V. FELKER, WARDEN

14-6163 PEREZ, ALBERT V. PENNSYLVANIA

14-6174 SORENSEN, PAUL C. V. WASHINGTON, ET AL.

14-6175 WASHINGTON, HENRY U. V. GRACE, JAMES L., ET AL.

14-6176 TRUSS, EARL F. V. BURT, WARDEN

14-6177 VAN BURN, IRVIN V. CALIFORNIA

14-6178 TRAUTH, LOUIS V. TILLMAN, WARDEN

14-6182 JOHNSON, SHANE V. COLORADO

14-6186 ORPIADA, ANTONIO V. McDANIEL, WARDEN, ET AL.

14-6188 JOHNSTON, CHARLES G. V. JOHNSTON, FRANCIS L.

14-6189 MADU, ANTHONY V. FORT WORTH POLICE DEPT., ET AL.

14-6191 SCOTT, LIONEL A. V. CALIFORNIA

14-6199 GONZALES, RAYMOND M. V. BRAVO, WARDEN, ET AL.

14-6201 SHIELDS, ANTONIA W. V. NEW YORK

14-6205 ANDERSON, CURTIS V. MACLAREN, WARDEN

14-6217 BARNER, MICHAEL E. V. MICHIGAN

14-6218 BURR, FRANKLIN J. V. NEW JERSEY

14-6224 BRIONES, JOSE L. V. IVORY, VELPARITA, ET AL.

14-6227 DEERING, JUWAN V. ROMANOWSKI, WARDEN

14-6250 JONES, NATHAN V. BOOKER, WARDEN

14-6309 KIM, STEPHENSON V. CALIFORNIA

14-6311 LAVERGNE, BRANDON V. ADVANCIAL FEDERAL CREDIT UNION

14-6316 VINSON, KARL F. V. MICHIGAN

14-6317 LEWIS, BRIAN V. JPMORGAN CHASE BANK

14-6322 PAUL, LEGRAND J. V. FLORIDA

14-6330 BEHRENS, BRYAN S. V. SEC

14-6333 IBARRA, ROBERT Q. V. CALIFORNIA

14-6356 DANIELS, JAMES L. V. HOFFNER, WARDEN

14-6362 TAPKE, CRAIG V. MOORE, WARDEN

14-6371 MURRAY, CONRAD R. V. CALIFORNIA

14-6380 YEH, YOW MING V. BITER, WARDEN

14-6385 TATUM, EDGAR V. MURPHY, WARDEN

14-6392 MOORE, ALVIN L. V. UNITED STATES

14-6401 MARTIN, ANTHONY F. V. BYERS, WILLIAM, ET AL.

14-6404 DOUGAN, DON A. V. PUGH, WARDEN

14-6411 LIRA, VICTOR V. RYAN, DIR., AZ DOC, ET AL.

14-6417 SUMMERS, CHARLES A. V. BAKER, WARDEN, ET AL.

14-6432 ELIZONDO, ZEFERINO V. NEVEN, WARDEN, ET AL.

14-6448 DRAPER, DANIEL L. V. LINDAMOOD, WARDEN

14-6454 MATTHEWS, ALEXANDER O. V. HULL, TED, ET AL.

14-6458 MELOT, BILLY R., ET UX. V. UNITED STATES

14-6460 SPINKS, BRIAN V. MONTANA

14-6471 DeJOURNETT, LANNIE V. STEELE, WARDEN

14-6482 RIVERA, WILLIAM V. FLORIDA

14-6487 SMITH, ALBERT K. V. HOBBS, DIR., AR DOC

14-6506 ROGERS, TORRANCE T. V. ILLINOIS

14-6521 CERVANTES-SOSA, HUMBERTO A. V. UNITED STATES

14-6524 JACOBSON, JEFFREY C. V. MICHIGAN

14-6529 MONTE, AMILKA V. UNITED STATES

14-6539 TERRERO, MARIANELA V. UNITED STATES

14-6540 GODWIN, MAYNARD K. V. UNITED STATES

14-6541 JOHNSON, SOLATHUS V. UNITED STATES

14-6544 SPRUELL, RAHEEM V. UNITED STATES

14-6545 GERICK, THOMAS E. V. UNITED STATES

14-6546 GONZALEZ, FREDDIE V. UNITED STATES

14-6547 GROOMS, JOSEPH R. V. UNITED STATES

14-6548 HEATH, RYAN D. V. UNITED STATES

14-6549 GARCIA, DANIEL K. V. ATKINSON, WARDEN

14-6550 FLORES, RAFAEL A. V. UNITED STATES

14-6551 FLINT, LORENZO E. V. UNITED STATES

14-6552 IHEME, MICHAEL V. SMITH, WARDEN

14-6554 RICE, ANTHONY V. UNITED STATES

14-6556 CALLOWAY, RAYFORD A. V. TX HEALTH & HUMAN SERV., ET AL.

14-6557 VANLAAR, JACK S. V. UNITED STATES

14-6558 WILLIAMS, DEQUANTEY M. V. UNITED STATES

14-6563 ALAZZAM, MOHAMMAD V. UNITED STATES

14-6564 PEEL, JAMES E. V. UNITED STATES

14-6568 GERHARD, JASON V. UNITED STATES

14-6572 WOOLRIDGE, JOSHUA T. V. UNITED STATES

14-6577 EATON, CLIFFORD S. V. UNITED STATES

14-6578 SANCHEZ, DAVID G. V. UNITED STATES

14-6581 CLAUDE X V. UNITED STATES

14-6583 HOWER, MICHAEL D. V. UNITED STATES

14-6584 GREGORY, LARRY B. V. UNITED STATES

14-6586 FLORES-CAMPOS, SALVADOR V. UNITED STATES

14-6587 FULTON, KENDRICK J. V. UNITED STATES

14-6588 GAMEZ, ROBERT C. V. HORNE, ATT'Y GEN. OF AZ, ET AL.

14-6594 DORSEY, JERALD J. V. RELF, THOMAS, ET AL.

14-6595 DOE, JOHN V. UNITED STATES

14-6600 HAGANS, HARRELL E. V. UNITED STATES

14-6609 NGUYEN, QUANG V. V. UNITED STATES

14-6611 PITTMAN, LONNIE V. UNITED STATES

14-6612 McNEIL, DAVON V. MASSACHUSETTS

14-6613 OPOKU-AGYEMANG, KOFI V. UNITED STATES

14-6615 NORMAN, ANTOINE V. UNITED STATES

14-6616 STILLING, LAMARCUS W. V. UNITED STATES

14-6622 HALLAHAN, JANET, ET VIR V. UNITED STATES

14-6623 GARCIA, VICTOR L. V. UNITED STATES

14-6624 HOLMES, RONNIE P. V. UNITED STATES

14-6627 HOLLOWAY, RAYMOND T. V. UNITED STATES

14-6630 DRAPER, ANGELO M. V. UNITED STATES

14-6637 MOODY, DIAMOND C. V. UNITED STATES

14-6638 MOORE, EDWARD V. UNITED STATES

14-6639 ALBINO-LOE, ARTURO V. UNITED STATES

14-6640 RAD, CHRISTOPHER V. UNITED STATES

14-6641 TOVAR, RAUL V. UNITED STATES

14-6642 PAUL, JEAN V. UNITED STATES

14-6649 WARSHAK, STEVEN E. V. UNITED STATES

14-6654 BRIONES, JESUS V. UNITED STATES

14-6655 ROGERS, DeMARCUS V. UNITED STATES

14-6656 RAMIREZ, JORGE A. V. UNITED STATES

14-6657 PEREZ-PRADO, OMAR V. UNITED STATES

14-6659 BIEAR, JAMES S. V. UNITED STATES

14-6660 ANDERSON, DARRIN R. V. UNITED STATES

14-6661 BODY, TAVARIS L. V. UNITED STATES

14-6664 PHILLIPS, FREDERICK V. UNITED STATES

14-6667 MEALS, DAVID L. V. UNITED STATES

14-6668 HYMAS, SEASON V. UNITED STATES

14-6671 GARRISON, DAVID J. V. UNITED STATES

14-6672 GOSNELL, KERMIT V. UNITED STATES

14-6674 TALLENT, LARRY V. UNITED STATES

14-6677 WICKWARE, HORACE C. V. UNITED STATES

14-6678 JOHNSON, JONATHAN V. UNITED STATES

14-6681 BONNER, SAMUEL G. V. UNITED STATES

14-6682 BELL, JOHNELLE L. V. UNITED STATES

14-6683 ADIGUN, OPEOLUWA V. UNITED STATES

14-6685 HERNANDEZ, ARCADIO V. UNITED STATES

14-6687 SHAW, CHARLES E. V. UNITED STATES

14-6689 SPENCER, ELMER V. UNITED STATES

14-6690 GILLENWATER, CHARLES L. V. UNITED STATES

14-6691 MOHAMMED, EARL A. V. UNITED STATES

14-6692 MARVIN, RYAN V. UNITED STATES

14-6693 DOZIER, JERROD V. UNITED STATES

14-6695 FARLEE, LEON D. V. UNITED STATES

14-6697 GABOR, MICHAEL D. V. UNITED STATES

14-6700 WHALEN, ARCHIE M. V. UNITED STATES

14-6701 JONES, VAUGHNTA V. UNITED STATES

14-6703 HAMMONDS, DAMIEN V. UNITED STATES

14-6712 DORE, JERMAINE V. UNITED STATES

14-6713 BARAJAS, LUIS A. V. UNITED STATES

14-6714 BING, CHRISTOPHER M. V. UNITED STATES

14-6718 OWENS, CHARLES M. V. UNITED STATES

14-6720 PEREZ, MICHAEL V. UNITED STATES

14-6723 COPPIN, MOSES V. UNITED STATES

14-6729 HUNTLEY, SIMEON A. V. UNITED STATES

14-6732 ESQUIVEL, VICTOR V. UNITED STATES

14-6736 STANLEY, RICHARD V. UNITED STATES

14-6737 SCHLAGER, MICHAEL J. V. UNITED STATES

14-6738 LAMPKIN, WAYNE V. UNITED STATES

14-6740 DuSHANE, JASEN L. V. UNITED STATES

14-6748 HARGES, CARLOS V. UNITED STATES

14-6755 SHAW, DEMETRIUM S. V. UNITED STATES

The petitions for writs of certiorari are denied.

13-852 FEDERAL NATIONAL MORTGAGE ASSOC. V. SUNDQUIST, LORAINE

The motion of The Clearing House Association L.L.C. for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

13-1227 CREWS, SEC., FL DOC V. FARINA, ANTHONY J.

14-132 MARTEL, WARDEN V. LUJAN, REUBEN K.

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

14-6326 BOWELL, JAMES E. V. SMITH, T.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

14-6669 GROVES, DEVON V. UNITED STATES

14-6680 BAREFOOT, CHARLES R. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

14-6705 GIBSON, ROBERT D. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

14-6733 BROWN, RODERICK V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

HABEAS CORPUS DENIED

14-6792 IN RE ERIC W. POIRIER

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus is dismissed. See Rule 39.8.

14-6819 IN RE RONNIE D. BRATCHER

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

14-6488 IN RE JAMES M. LEE

The petition for a writ of mandamus is denied.

PROHIBITION DENIED

14-6647 IN RE CHI MAK

The petition for a writ of prohibition is denied.

REHEARING DENIED

13-9903 JACKSON, GLORIA V. MEMPHIS, TN

The petition for rehearing is denied.

Per Curiam

SUPREME COURT OF THE UNITED STATES

TRACEY L. JOHNSON, ET AL. *v.* CITY OF SHELBY, MISSISSIPPI

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 13–1318. Decided November 10, 2014

PER CURIAM.

Plaintiffs below, petitioners here, worked as police officers for the city of Shelby, Mississippi. They allege that they were fired by the city's board of aldermen, not for deficient performance, but because they brought to light criminal activities of one of the aldermen. Charging violations of their Fourteenth Amendment due process rights, they sought compensatory relief from the city. Summary judgment was entered against them in the District Court, and affirmed on appeal, for failure to invoke 42 U. S. C. §1983 in their complaint.

We summarily reverse. Federal pleading rules call for "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. Rule Civ. Proc. 8(a)(2); they do not countenance dismissal of a complaint for imperfect statement of the legal theory supporting the claim asserted. See Advisory Committee Report of October 1955, reprinted in 12A C. Wright, A. Miller, M. Kane, R. Marcus, and A. Steinman, Federal Practice and Procedure, p. 644 (2014 ed.) (Federal Rules of Civil Procedure "are designed to discourage battles over mere form of statement"); 5 C. Wright & A. Miller, §1215, p. 172 (3d ed. 2002) (Rule 8(a)(2) "indicates that a basic objective of the rules is to avoid civil cases turning on technicalities"). In particular, no heightened pleading rule requires plaintiffs seeking damages for violations of constitutional rights to invoke §1983 expressly in order to state a claim. See *Leatherman* v. *Tarrant County Narcotics Intelligence and*

Coordination Unit, 507 U. S. 163, 164 (1993) (a federal court may not apply a standard "more stringent than the usual pleading requirements of Rule 8(a)" in "civil rights cases alleging municipal liability"); *Swierkiewicz* v. *Sorema N. A.*, 534 U. S. 506, 512 (2002) (imposing a "heightened pleading standard in employment discrimination cases conflicts with Federal Rule of Civil Procedure 8(a)(2)").

The Fifth Circuit defended its requirement that complaints expressly invoke §1983 as "not a mere pleading formality." 743 F. 3d 59, 62 (2013) (internal quotation marks omitted). The requirement serves a notice function, the Fifth Circuit said, because "[c]ertain consequences flow from claims under §1983, such as the unavailability of *respondeat superior* liability, which bears on the qualified immunity analysis." *Ibid.* This statement displays some confusion in the Fifth Circuit's perception of petitioners' suit. No "qualified immunity analysis" is implicated here, as petitioners asserted a constitutional claim against the city only, not against any municipal officer. See *Owen* v. *Independence*, 445 U. S. 622, 638 (1980) (a "municipality may not assert the good faith of its officers or agents as a defense to liability under §1983").

Our decisions in *Bell Atlantic Corp.* v. *Twombly*, 550 U. S. 544 (2007), and *Ashcroft* v. *Iqbal*, 556 U. S. 662 (2009), are not in point, for they concern the *factual* allegations a complaint must contain to survive a motion to dismiss. A plaintiff, they instruct, must plead facts sufficient to show that her claim has substantive plausibility. Petitioners' complaint was not deficient in that regard. Petitioners stated simply, concisely, and directly events that, they alleged, entitled them to damages from the city. Having informed the city of the factual basis for their complaint, they were required to do no more to stave off threshold dismissal for want of an adequate statement of their claim. See Fed. Rules Civ. Proc. 8(a)(2) and (3),

(d)(1), (e). For clarification and to ward off further insistence on a punctiliously stated "theory of the pleadings," petitioners, on remand, should be accorded an opportunity to add to their complaint a citation to §1983. See 5 Wright & Miller, *supra*, §1219, at 277–278 ("The federal rules effectively abolish the restrictive theory of the pleadings doctrine, making it clear that it is unnecessary to set out a legal theory for the plaintiff's claim for relief." (footnotes omitted)); Fed. Rules Civ. Proc. 15(a)(2) ("The court should freely give leave [to amend a pleading] when justice so requires.").

* * *

For the reasons stated, the petition for certiorari is granted, the judgment of the United States Court of Appeals for the Fifth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

Per Curiam

SUPREME COURT OF THE UNITED STATES

JEREMY CARROLL *v.* ANDREW CARMAN, ET UX.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 14–212. Decided November 10, 2014

PER CURIAM.

On July 3, 2009, the Pennsylvania State Police Department received a report that a man named Michael Zita had stolen a car and two loaded handguns. The report also said that Zita might have fled to the home of Andrew and Karen Carman. The department sent Officers Jeremy Carroll and Brian Roberts to the Carmans' home to investigate. Neither officer had been to the home before. 749 F. 3d 192, 195 (CA3 2014).

The officers arrived in separate patrol cars around 2:30 p.m. The Carmans' house sat on a corner lot—the front of the house faced a main street while the left (as viewed from the front) faced a side street. The officers initially drove to the front of the house, but after discovering that parking was not available there, turned right onto the side street. As they did so, they saw several cars parked side-by-side in a gravel parking area on the left side of the Carmans' property. The officers parked in the "first available spot," at "the far rear of the property." *Ibid.* (quoting Tr. 70 (Apr. 8, 2013)).

The officers exited their patrol cars. As they looked toward the house, the officers saw a small structure (either a carport or a shed) with its door open and a light on. *Id.,* at 71. Thinking someone might be inside, Officer Carroll walked over, "poked [his] head" in, and said "Pennsylvania State Police." 749 F. 3d, at 195 (quoting Tr. 71 (Apr. 8, 2013); alteration in original). No one was there, however, so the officers continued walking toward the house. As they approached, they saw a sliding glass

door that opened onto a ground-level deck. Carroll thought the sliding glass door "looked like a customary entryway," so he and Officer Roberts decided to knock on it. 749 F. 3d, at 195 (quoting Tr. 83 (Apr. 8, 2013)).

As the officers stepped onto the deck, a man came out of the house and "belligerent[ly] and aggressively approached" them. 749 F. 3d, at 195. The officers identified themselves, explained they were looking for Michael Zita, and asked the man for his name. The man refused to answer. Instead, he turned away from the officers and appeared to reach for his waist. *Id.,* at 195–196. Carroll grabbed the man's right arm to make sure he was not reaching for a weapon. The man twisted away from Carroll, lost his balance, and fell into the yard. *Id.,* at 196.

At that point, a woman came out of the house and asked what was happening. The officers again explained that they were looking for Zita. The woman then identified herself as Karen Carman, identified the man as her husband, Andrew Carman, and told the officers that Zita was not there. In response, the officers asked for permission to search the house for Zita. Karen Carman consented, and everyone went inside. *Ibid.*

The officers searched the house, but did not find Zita. They then left. The Carmans were not charged with any crimes. *Ibid.*

The Carmans later sued Officer Carroll in Federal District Court under 42 U. S. C. §1983. Among other things, they alleged that Carroll unlawfully entered their property in violation of the Fourth Amendment when he went into their backyard and onto their deck without a warrant. 749 F. 3d, at 196.

At trial, Carroll argued that his entry was lawful under the "knock and talk" exception to the warrant requirement. That exception, he contended, allows officers to knock on someone's door, so long as they stay "on those portions of [the] property that the general public is al-

lowed to go on." Tr. 7 (Apr. 8, 2013). The Carmans responded that a normal visitor would have gone to their front door, rather than into their backyard or onto their deck. Thus, they argued, the "knock and talk" exception did not apply.

At the close of Carroll's case in chief, the parties each moved for judgment as a matter of law. The District Court denied both motions, and sent the case to a jury. As relevant here, the District Court instructed the jury that the "knock and talk" exception "allows officers without a warrant to knock on a resident's door or otherwise approach the residence seeking to speak to the inhabitants, just as any private citizen might." *Id.*, at 24 (Apr. 10, 2013). The District Court further explained that "officers should restrict their movements to walkways, driveways, porches and places where visitors could be expected to go." *Ibid.* The jury then returned a verdict for Carroll.

The Carmans appealed, and the Court of Appeals for the Third Circuit reversed in relevant part. The court held that Officer Carroll violated the Fourth Amendment as a matter of law because the "knock and talk" exception "requires that police officers begin their encounter at the front door, where they have an implied invitation to go." 749 F. 3d, at 199. The court also held that Carroll was not entitled to qualified immunity because his actions violated clearly established law. *Ibid.* The court therefore reversed the District Court and held that the Carmans were entitled to judgment as a matter of law.

Carroll petitioned for certiorari. We grant the petition and reverse the Third Circuit's determination that Carroll was not entitled to qualified immunity.

A government official sued under §1983 is entitled to qualified immunity unless the official violated a statutory or constitutional right that was clearly established at the time of the challenged conduct. See *Ashcroft* v. *al-Kidd*, 563 U. S. ___, ___ (2011) (slip op., at 3). A right is clearly

established only if its contours are sufficiently clear that "a reasonable official would understand that what he is doing violates that right." *Anderson* v. *Creighton*, 483 U. S. 635, 640 (1987). In other words, "existing precedent must have placed the statutory or constitutional question beyond debate." *al-Kidd*, 563 U. S., at ___ (slip op., at 9). This doctrine "gives government officials breathing room to make reasonable but mistaken judgments," and "protects 'all but the plainly incompetent or those who knowingly violate the law.'" *Id.,* at ___ (slip op., at 12) (quoting *Malley* v. *Briggs*, 475 U. S. 335, 341 (1986)).

Here the Third Circuit cited only a single case to support its decision that Carroll was not entitled to qualified immunity—*Estate of Smith* v. *Marasco*, 318 F. 3d 497 (CA3 2003). Assuming for the sake of argument that a controlling circuit precedent could constitute clearly established federal law in these circumstances, see *Reichle* v. *Howards*, 566 U. S. ___, ___ (2012) (slip op., at 7), *Marasco* does not clearly establish that Carroll violated the Carmans' Fourth Amendment rights.

In *Marasco*, two police officers went to Robert Smith's house and knocked on the front door. When Smith did not respond, the officers went into the backyard, and at least one entered the garage. 318 F. 3d, at 519. The court acknowledged that the officers' "entry into the curtilage after not receiving an answer at the front door might be reasonable." *Id.,* at 520. It held, however, that the District Court had not made the factual findings needed to decide that issue. *Id.,* at 521. For example, the Third Circuit noted that the record "did not discuss the layout of the property or the position of the officers on that property," and that "there [was] no indication of whether the officers followed a path or other apparently open route that would be suggestive of reasonableness." *Ibid.* The court therefore remanded the case for further proceedings.

In concluding that Officer Carroll violated clearly estab-

lished law in this case, the Third Circuit relied exclusively on *Marasco*'s statement that "entry into the curtilage after not receiving an answer at the front door might be reasonable." *Id.,* at 520; see 749 F. 3d, at 199 (quoting *Marasco*, *supra,* at 520). In the court's view, that statement clearly established that a "knock and talk" must begin at the front door. But that conclusion does not follow. *Marasco* held that an unsuccessful "knock and talk" at the front door does not automatically allow officers to go onto other parts of the property. It did not hold, however, that knocking on the front door is *required* before officers go onto other parts of the property that are open to visitors. Thus, *Marasco* simply did not answer the question whether a "knock and talk" must begin at the front door when visitors may also go to the back door. Indeed, the house at issue seems not to have even had a back door, let alone one that visitors could use. 318 F. 3d, at 521.

Moreover, *Marasco* expressly stated that "there [was] no indication of whether the officers followed a path or other apparently open route that would be suggestive of reasonableness." *Ibid.* That makes *Marasco* wholly different from this case, where the jury necessarily decided that Carroll "restrict[ed] [his] movements to walkways, driveways, porches and places where visitors could be expected to go." Tr. 24 (Apr. 10, 2013).

To the extent that *Marasco* says anything about this case, it arguably supports Carroll's view. In *Marasco*, the Third Circuit noted that "[o]fficers are allowed to knock on a residence's door or otherwise approach the residence seeking to speak to the inhabitants just as any private citizen may." 318 F. 3d, at 519. The court also said that, "'when the police come on to private property . . . and restrict their movements to places visitors could be expected to go (*e.g.*, walkways, driveways, porches), observations made from such vantage points are not covered by the Fourth Amendment.'" *Ibid.* (quoting 1 W. LaFave,

Search and Seizure §2.3(f) (3d ed. 1996 and Supp. 2003) (footnotes omitted)). Had Carroll read those statements before going to the Carmans' house, he may have concluded—quite reasonably—that he was allowed to knock on any door that was open to visitors.*

The Third Circuit's decision is even more perplexing in comparison to the decisions of other federal and state courts, which have rejected the rule the Third Circuit adopted here. For example, in *United States* v. *Titemore*, 437 F. 3d 251 (CA2 2006), a police officer approached a house that had two doors. The first was a traditional door that opened onto a driveway; the second was a sliding glass door that opened onto a small porch. The officer chose to knock on the latter. *Id.*, at 253–254. On appeal, the defendant argued that the officer had unlawfully entered his property without a warrant in violation of the Fourth Amendment. *Id.,* at 255–256. But the Second Circuit rejected that argument. As the court explained, the sliding glass door was "a primary entrance visible to and used by the public." *Id.,* at 259. Thus, "[b]ecause [the officer] approached a principal entrance to the home using a route that other visitors could be expected to take," the court held that he did not violate the Fourth Amendment. *Id.,* at 252.

The Seventh Circuit's decision in *United States* v. *James*, 40 F. 3d 850 (1994), vacated on other grounds, 516 U. S. 1022 (1995), provides another example. There, police

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*In a footnote, the Court of Appeals "recognize[d] that there may be some instances in which the front door is not *the* entrance used by visitors," but noted that "this is not one such instance." 749 F. 3d 192, 198, n. 6 (2014) (emphasis added). This footnote still reflects the Third Circuit's view that the "knock and talk" exception is available for only one entrance to a dwelling, "which in most circumstances is the front door." *Id.,* at 198. Cf. *United States* v. *Perea-Rey*, 680 F. 3d 1179, 1188 (CA9 2012) ("Officers conducting a knock and talk . . . need not approach only a specific door if there are multiple doors accessible to the public.").

officers approached a duplex with multiple entrances. Bypassing the front door, the officers "used a paved walkway along the side of the duplex leading to the rear side door." 40 F. 3d, at 862. On appeal, the defendant argued that the officers violated his Fourth Amendment rights when they went to the rear side door. The Seventh Circuit rejected that argument, explaining that the rear side door was "accessible to the general public" and "was commonly used for entering the duplex from the nearby alley." *Ibid.* In situations "where the back door of a residence is readily accessible to the general public," the court held, "the Fourth Amendment is not implicated when police officers approach that door in the reasonable belief that it is a principal means of access to the dwelling." *Ibid.* See also, *e.g., United States* v. *Garcia*, 997 F. 2d 1273, 1279–1280 (CA9 1993) ("If the front and back of a residence are readily accessible from a public place, like the driveway and parking area here, the Fourth Amendment is not implicated when officers go to the back door reasonably believing it is used as a principal entrance to the dwelling"); *State* v. *Domicz*, 188 N. J. 285, 302, 907 A. 2d 395, 405 (2006) ("when a law enforcement officer walks to a front or back door for the purpose of making contact with a resident and reasonably believes that the door is used by visitors, he is not unconstitutionally trespassing on to the property").

We do not decide today whether those cases were correctly decided or whether a police officer may conduct a "knock and talk" at any entrance that is open to visitors rather than only the front door. "But whether or not the constitutional rule applied by the court below was correct, it was not 'beyond debate.'" *Stanton* v. *Sims*, 571 U. S. ___, ___ (2013) (*per curiam*) (slip op., at 8) (quoting *al-Kidd*, 563 U. S., at ___ (slip op., at 9)). The Third Circuit therefore erred when it held that Carroll was not entitled to qualified immunity.

The petition for certiorari is granted. The judgment of

the United States Court of Appeals for the Third Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

DOUGLAS F. WHITMAN *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 14–29 Decided November 10, 2014

The petition for a writ of certiorari is denied.

Statement of JUSTICE SCALIA, with whom JUSTICE THOMAS joins, respecting the denial of certiorari.

A court owes no deference to the prosecution's interpretation of a criminal law. Criminal statutes "are for the courts, not for the Government, to construe." *Abramski* v. *United States*, 573 U. S. ___, ___ (2014) (slip op., at 21). This case, a criminal prosecution under §10(b) of the Securities Exchange Act of 1934, 48 Stat. 491, as amended, 15 U. S. C. 78j(b), raises a related question: Does a court owe deference to an executive agency's interpretation of a law that contemplates both criminal and administrative enforcement?

The Second Circuit thought it does. It deferred to the Securities and Exchange Commission's interpretation of §10(b), see *United States* v. *Royer*, 549 F. 3d 886, 899 (2008), and on that basis affirmed petitioner Douglas Whitman's criminal conviction, see 555 Fed. Appx. 98, 107 (2014) (citing *Royer*, *supra,* at 899). Its decision tilled no new ground. Other Courts of Appeals have deferred to executive interpretations of a variety of laws that have both criminal and administrative applications. See, *e.g., United States* v. *Flores*, 404 F. 3d 320, 326–327 (CA5 2005); *United States* v. *Atandi*, 376 F. 3d 1186, 1189 (CA10 2004); *NLRB* v. *Oklahoma Fixture Co.*, 332 F. 3d 1284, 1286–1287 (CA10 2003); *In re Sealed Case*, 223 F. 3d 775, 779 (CADC 2000); *United States* v. *Kanchanalak*, 192 F. 3d 1037, 1047, and n. 17 (CADC 1999); *National Rifle*

Assn. v. *Brady*, 914 F. 2d 475, 479, n. 3 (CA4 1990).

I doubt the Government's pretensions to deference. They collide with the norm that legislatures, not executive officers, define crimes. When King James I tried to create new crimes by royal command, the judges responded that "the King cannot create any offence by his prohibition or proclamation, which was not an offence before." *Case of Proclamations*, 12 Co. Rep. 74, 75, 77 Eng. Rep. 1352, 1353 (K. B. 1611). James I, however, did not have the benefit of *Chevron* deference. See *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984). With deference to agency interpretations of statutory provisions to which criminal prohibitions are attached, federal administrators can in effect create (and uncreate) new crimes at will, so long as they do not roam beyond ambiguities that the laws contain. Undoubtedly Congress may make it a crime to violate a regulation, see *United States* v. *Grimaud*, 220 U. S. 506, 519 (1911), but it is quite a different matter for Congress to give agencies—let alone for us to *presume* that Congress gave agencies—power to resolve ambiguities in criminal legislation, see *Carter* v. *Welles-Bowen Realty, Inc.*, 736 F. 3d 722, 733 (CA6 2013) (Sutton, J., concurring).

The Government's theory that was accepted here would, in addition, upend ordinary principles of interpretation. The rule of lenity requires interpreters to resolve ambiguity in criminal laws in favor of defendants. Deferring to the prosecuting branch's expansive views of these statutes "would turn [their] normal construction . . . upside-down, replacing the doctrine of lenity with a doctrine of severity." *Crandon* v. *United States*, 494 U. S. 152, 178 (1990) (SCALIA, J., concurring in judgment).

The best that one can say for the Government's position is that in *Babbitt* v. *Sweet Home Chapter, Communities for Great Ore.*, 515 U. S. 687 (1995), we deferred, with scarcely any explanation, to an agency's interpretation of a law

that carried criminal penalties. We brushed the rule of lenity aside in a footnote, stating that "[w]e have never suggested that the rule of lenity should provide the standard for reviewing facial challenges to administrative regulations." *Id.,* at 704, n. 18. That statement contradicts the many cases before and since holding that, if a law has both criminal and civil applications, the rule of lenity governs its interpretation in both settings. See, *e.g., Leocal* v. *Ashcroft*, 543 U. S. 1, 11–12, n. 8 (2004); *United States* v. *Thompson/Center Arms Co.*, 504 U. S. 505, 518, n. 10 (1992) (plurality opinion); *id.,* at 519 (SCALIA, J., concurring in judgment). The footnote in *Babbitt* added that the regulation at issue was clear enough to fulfill the rule of lenity's purpose of providing "fair warning" to would-be violators. 515 U. S., at 704, n. 18. But that is not the only function performed by the rule of lenity; equally important, it vindicates the principle that only the *legislature* may define crimes and fix punishments. Congress cannot, through ambiguity, effectively leave that function to the courts—much less to the administrative bureaucracy. See *United States* v. *Wiltberger*, 5 Wheat. 76, 95 (1820). *Babbitt*'s drive-by ruling, in short, deserves little weight.

Whitman does not seek review on the issue of deference, and the procedural history of the case in any event makes it a poor setting in which to reach the question. So I agree with the Court that we should deny the petition. But when a petition properly presenting the question comes before us, I will be receptive to granting it.