

## SUPREME COURT OF THE UNITED STATES

**CASE NAME/NUMBER:** Darin Muehler, et al., Petitioners, v. Iris Mena, Respondent; United States Supreme Court Case # 03-1423

**TYPE OF CASE:** Police Civil Rights - Search & Seizure

**RESULT:** The Central District Court jury trial resulted in a verdict in favor of plaintiff; the verdict was upheld by the Ninth Circuit Court of Appeal; in an opinion authored by Chief Justice Rehnquist, the Supreme Court vacated the decision of the Ninth Circuit Court of Appeal and remanded the matter for resolution of one unresolved issue.

**JUDGE:** The Honorable United States Supreme Court Justices Rehnquist, O'Connor, Ginsburg, Souter, Thomas, Breyer, Scalia, Stevens, and Kennedy; at the trial level, The Honorable A. Howard Matz, District Judge, presided.

### PLAINTIFF

**REPRESENTED BY:** James Muller; Law Offices of James Muller; Los Angeles, California.

Paul Hoffman; Schonbrun DeSimone Seplow Harris & Hoffman; Venice, California.

### DEFENDANTS

**REPRESENTED BY:** David L. Nye & Karen K. Peabody; Nye, Peabody & Stirling; Santa Barbara, California.

Carter G. Phillips; Sidley Austin Brown & Wood LLP; Washington, D.C.

### FACTS:

Based on information gleaned from the investigation of a gang-related, driveby shooting, petitioners Officer Muehler and Officer Brill, the lead members of the investigating team from the Simi Valley Police Department, had reason to believe at least one member of a gang - the West Side Locos - lived at 1363 Patricia Avenue. They also suspected that the individual was armed and dangerous, since he had recently been involved in the driveby shooting. As a result, Muehler obtained a search warrant for 1363 Patricia Avenue that authorized a broad search of the house and premises for, among other things, deadly weapons and evidence of gang membership. In light of the high degree of risk involved in searching a house suspected of housing at least one, and perhaps multiple, armed gang members, a Special Weapons and Tactics (SWAT) team was used to secure the residence and grounds before the search.

At 7 a.m. on February 3, 1998, petitioners, along with the SWAT team and other officers, executed the warrant. Mena was asleep in her bed when the SWAT team, clad in helmets and black vests adorned with badges and the word "POLICE," entered her bedroom and placed her in handcuffs at gunpoint. The SWAT team also handcuffed three other individuals found on the property. The SWAT team then took those individuals and Mena into a converted garage, which contained several beds and some other bedroom furniture. While the search proceeded, one or two officers guarded the four detainees, who were allowed to move around the garage but remained in handcuffs.

Aware that the West Side Locos gang was composed primarily of illegal immigrants, the officers had notified the Immigration and Naturalization Service (INS) that they would be conducting the search, and an INS officer accompanied the officers executing the warrant. During their detention in the garage, an officer asked for each detainee's name, date of birth, place of birth, and immigration status. The INS officer later asked the detainees for their immigration documentation. Mena's status as a permanent resident was confirmed by her papers.

The search of the premises yielded a .22 caliber handgun with .22 caliber ammunition, a box of .25 caliber ammunition, several baseball bats with gang writing, various additional gang paraphernalia, and a bag of marijuana. Before the officers left the area, Mena was released.

In her §1983 suit against the officers and the Simi Valley Police Department, Mena alleged that she was detained "for an unreasonable time and in an unreasonable manner" in violation of the Fourth Amendment. In addition, she claimed that the warrant and its execution were overbroad, that the officers failed to comply with the "knock and announce" rule, and that the officers had needlessly destroyed property during the search. The officers moved for summary judgment, asserting that they were entitled to qualified immunity, but the District Court denied their motion. The Court of Appeals affirmed that denial, except for Mena's claim that the warrant was overbroad. On this claim the Court of Appeals held that the officers were entitled to qualified immunity.

After a trial, a jury, pursuant to a special verdict form, found that Officers Muehler and Brill violated Mena's Fourth Amendment right to be free from unreasonable seizures by detaining her both with force greater than that which was reasonable and for a longer period than that which was reasonable. The jury awarded Mena \$10,000 in actual damages and \$20,000 in punitive damages against each petitioner, for a total of \$60,000.

The Ninth Circuit Court of Appeals affirmed the judgment on two grounds. Reviewing the denial of qualified immunity de novo, it first held that the officers' detention of Mena violated the Fourth Amendment because it was objectively unreasonable to confine her in the converted garage and keep her in handcuffs during the search. In the Court of Appeals' view, the officers should have released Mena as soon as it became clear that she posed no immediate threat. The court additionally held that the questioning of Mena

about her immigration status constituted an independent Fourth Amendment violation. The Court of Appeals went on to hold that those rights were clearly established at the time of Mena's questioning, and thus the officers were not entitled to qualified immunity.

On petition by the officers, the United States Supreme Court granted certiorari. Oral argument was held before the Court on December 8, 2004. The Solicitor General, Department of Justice, also argued on behalf of the United States, as *amicus curiae*, supporting the officers. On March 22, 2005, the Court vacated the decision of the Ninth Circuit and remanded the matter for resolution of one unresolved issue.

The Supreme Court held that the detention of Mena for the duration of the search did not violate the Fourth Amendment, finding that officers executing a search warrant for contraband have the authority to detain the occupants of the premises while a proper search is conducted. Because a warrant existed to search the premises and Mena was an occupant of the premises at the time of the search, her detention for the duration of the search was reasonable. Inherent in authorization to detain is the authority to use reasonable force to effectuate the detention. The use of force in the form of handcuffs to detain Mena was reasonable because the governmental interest in minimizing the risk of harm to both officers and occupants outweighed the marginal intrusion. Although the duration of a detention can affect the balance of interests, the 2-to 3-hour detention in handcuffs in this case does not outweigh the government's continuing safety interests.

The officers' questioning of Mena about her immigration status during her detention did not violate her Fourth Amendment rights. The Supreme Court noted that the Ninth Circuit's holding to the contrary appeared premised on the assumption that the officers were required to have independent reasonable suspicion in order to so question Mena. However, the Supreme Court pointed out that it has "held repeatedly that mere police questioning does not constitute a seizure." Because Mena's initial detention was lawful and the Ninth Circuit did not hold that the detention was prolonged by the questioning, there was no additional seizure within the meaning of the Fourth Amendment, and, therefore, no additional Fourth Amendment justification for inquiring about Mena's immigration status was required.

Mena raised one additional argument before the Supreme Court that had not been raised before the Ninth Circuit - her new allegation that she had been detained beyond the point in time that the search terminated. The Supreme Court declined to rule on this new argument and remanded the case back to the Ninth Circuit for resolution of this issue.