SUPREME COURT OF THE UNITED STATES

No. 03–1423

DARIN L. MUEHLER, ET AL., PETITIONERS *v.* IRIS MENA

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

[March 22, 2005]

CHIEF JUSTICE REHNQUIST delivered the opinion of the Court.

Respondent Iris Mena was detained in handcuffs during a search of the premises that she and several others occupied. Petitioners were lead members of a police detachment executing a search warrant of these premises. She sued the officers under Rev. Stat. §1979, 42 U. S. C. §1983, and the District Court found in her favor. The Court of Appeals affirmed the judgment, holding that the use of handcuffs to detain Mena during the search violated the Fourth Amendment and that the officers' questioning of Mena about her immigration status during the detention constituted an independent Fourth Amendment violation. *Mena* v. *Simi Valley,* 332 F. 3d 1255 (CA9 2003). We hold that Mena's detention in handcuffs for the length of the search was consistent with our opinion in *Michigan* v. *Summers*, 452 U. S. 692 (1981), and that the officers' questioning during that detention did not violate her Fourth Amendment rights.

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Based on information gleaned from the investigation of

a gang-related, driveby shooting, petitioners Muehler and Brill 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 she alleged that she was detained "for an unreasonable time and in an unreasonable manner" in violation of the Fourth Amendment. App. 19. 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. *Mena* v. *Simi Valley,* 226 F. 3d 1031 (CA9 2000). 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 Court of Appeals affirmed the judgment on two grounds. 332 F. 3d 1255 (CA9 2003). Reviewing the denial of qualified immunity *de novo*, *id.*, at 1261, n. 2, 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, *id.,* at 1263–1264. In the Court of Appeals' view, the officers should have released

Mena as soon as it became clear that she posed no immediate threat. *Id.,* at 1263. The court additionally held that the questioning of Mena about her immigration status constituted an independent Fourth Amendment violation. *Id.,* at 1264–1266. 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. *Id.,* at 1266–1267. We granted certiorari, 542 U. S. ___ (2004), and now vacate and remand.

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In *Michigan* v. *Summers,* 452 U. S. 692 (1981), we held that officers executing a search warrant for contraband have the authority "to detain the occupants of the premises while a proper search is conducted." *Id.,* at 705. Such detentions are appropriate, we explained, because the character of the additional intrusion caused by detention is slight and because the justifications for detention are substantial. *Id.,* at 701–705. We made clear that the detention of an occupant is "surely less intrusive than the search itself," and the presence of a warrant assures that a neutral magistrate has determined that probable cause exists to search the home. *Id.,* at 701. Against this incremental intrusion, we posited three legitimate law enforcement interests that provide substantial justification for detaining an occupant: "preventing flight in the event that incriminating evidence is found"; "minimizing the risk of harm to the officers"; and facilitating "the orderly completion of the search," as detainees' "self-interest may induce them to open locked doors or locked containers to avoid the use of force." *Id.,* at 702–703.

Mena's detention was, under *Summers*, plainly permissible.[1] An officer's authority to detain incident to a search

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[1] In determining whether a Fourth Amendment violation occurred we

is categorical; it does not depend on the "quantum of proof justifying detention or the extent of the intrusion to be imposed by the seizure." *Id.,* at 705, n. 19. Thus, Mena's detention for the duration of the search was reasonable under *Summers* because a warrant existed to search 1363 Patricia Avenue and she was an occupant of that address at the time of the search.

Inherent in *Summers*' authorization to detain an occupant of the place to be searched is the authority to use reasonable force to effectuate the detention. See *Graham* v. *Connor,* 490 U. S. 386, 396 (1989) ("Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it"). Indeed, *Summers* itself stressed that the risk of harm to officers and occupants is minimized "if the officers routinely exercise unquestioned command of the situation." 452 U. S., at 703.

The officers' use of force in the form of handcuffs to effectuate Mena's detention in the garage, as well as the detention of the three other occupants, was reasonable because the governmental interests outweigh the marginal intrusion. See *Graham*, *supra*, at 396–397. The imposition of correctly applied handcuffs on Mena, who was already being lawfully detained during a search of the house, was undoubtedly a separate intrusion in addition to detention in the converted garage.[2] The detention was

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draw all reasonable factual inferences in favor of the jury verdict, but as we made clear in *Ornelas* v. *United States*, 517 U. S. 690, 697–699 (1996), we do not defer to the jury's legal conclusion that those facts violate the Constitution.

[2]In finding the officers should have released Mena from the handcuffs, the Court of Appeals improperly relied upon the fact that the warrant did not include Mena as a suspect. See *Mena* v. *Simi Valley,* 332 F. 3d 1255, 1263, n. 5 (CA9 2003). The warrant was concerned not with individuals but with locations and property. In particular, the warrant in this case authorized the search of 1363 Patricia Avenue and

thus more intrusive than that which we upheld in *Summers*. See 452 U. S., at 701–702 (concluding that the additional intrusion in the form of a detention was less than that of the warrant-sanctioned search); *Maryland* v. *Wilson,* 519 U. S. 408, 413–414 (1997) (concluding that the additional intrusion from ordering passengers out of a car, which was already stopped, was minimal).

But this was no ordinary search. The governmental interests in not only detaining, but using handcuffs, are at their maximum when, as here, a warrant authorizes a search for weapons and a wanted gang member resides on the premises. In such inherently dangerous situations, the use of handcuffs minimizes the risk of harm to both officers and occupants. Cf. *Summers*, *supra,* at 702–703 (recognizing the execution of a warrant to search for drugs "may give rise to sudden violence or frantic efforts to conceal or destroy evidence"). Though this safety risk inherent in executing a search warrant for weapons was sufficient to justify the use of handcuffs, the need to detain multiple occupants made the use of handcuffs all the more reasonable. Cf. *Maryland* v. *Wilson, supra*, at 414 (noting that "danger to an officer from a traffic stop is likely to be greater when there are passengers in addition to the driver in the stopped car").

Mena argues that, even if the use of handcuffs to detain her in the garage was reasonable as an initial matter, the

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its surrounding grounds for, among other things, deadly weapons and evidence of street gang membership. In this respect, the warrant here resembles that at issue in *Michigan* v. *Summers*, 452 U. S. 692 (1981), which allowed the search of a residence for drugs without mentioning any individual, including the owner of the home whom police ultimately arrested. See *People* v. *Summers*, 407 Mich. 432, 440–443, 286 N. W. 2d 226, 226–227 (1979), rev'd, *Michigan* v. *Summers, supra.* *Summers* makes clear that when a neutral magistrate has determined police have probable cause to believe contraband exists, "[t]he connection of an occupant to [a] home" alone "justifies a detention of that occupant." 452 U. S., at 703–704.

duration of the use of handcuffs made the detention unreasonable. The duration of a detention can, of course, affect the balance of interests under *Graham*. However, the 2- to 3- hour detention in handcuffs in this case does not outweigh the government's continuing safety interests. As we have noted, this case involved the detention of four detainees by two officers during a search of a gang house for dangerous weapons. We conclude that the detention of Mena in handcuffs during the search was reasonable.

The Court of Appeals also determined that the officers violated Mena's Fourth Amendment rights by questioning her about her immigration status during the detention. 332 F. 3d, at 1264–1266. This holding, it appears, was premised on the assumption that the officers were required to have independent reasonable suspicion in order to question Mena concerning her immigration status because the questioning constituted a discrete Fourth Amendment event. But the premise is faulty. We have "held repeatedly that mere police questioning does not constitute a seizure." *Florida* v. *Bostick,* 501 U. S. 429, 434 (1991); see also *INS* v. *Delgado,* 466 U. S. 210, 212 (1984). "[E]ven when officers have no basis for suspecting a particular individual, they may generally ask questions of that individual; ask to examine the individual's identification; and request consent to search his or her luggage." *Bostick*, *supra*, at 434–435 (citations omitted). As the Court of Appeals did not hold that the detention was prolonged by the questioning, there was no additional seizure within the meaning of the Fourth Amendment. Hence, the officers did not need reasonable suspicion to ask Mena for her name, date and place of birth, or immigration status.

Our recent opinion in *Illinois* v. *Caballes*, 543 U. S. ___ (2005), is instructive. There, we held that a dog sniff performed during a traffic stop does not violate the Fourth Amendment. We noted that a lawful seizure "can become

unlawful if it is prolonged beyond the time reasonably required to complete that mission," but accepted the state court's determination that the duration of the stop was not extended by the dog sniff. *Id.*, at ___ (slip op., at 2–3). Because we held that a dog sniff was not a search subject to the Fourth Amendment, we rejected the notion that "the shift in purpose" "from a lawful traffic stop into a drug investigation" was unlawful because it "was not supported by any reasonable suspicion." *Id.*, at ___ (slip op., at 3–4). Likewise here, the initial *Summers* detention was lawful; the Court of Appeals did not find that the questioning extended the time Mena was detained. Thus no additional Fourth Amendment justification for inquiring about Mena's immigration status was required.[3]

In summary, the officers' detention of Mena in handcuffs during the execution of the search warrant was reasonable and did not violate the Fourth Amendment. Additionally, the officers' questioning of Mena did not constitute an independent Fourth Amendment violation. Mena has advanced in this Court, as she did before the Court of Appeals, an alternative argument for affirming the judgment below. She asserts that her detention extended beyond the time the police completed the tasks incident to the search. Because the Court of Appeals did not address this contention, we too decline to address it.

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[3]The Court of Appeals' reliance on *United States* v. *Brignoni-Ponce,* 422 U. S. 873 (1975), is misplaced. *Brignoni-Ponce* held that stops by roving patrols near the border "may be justified on facts that do not amount to the probable cause require[ment] for an arrest." *Id.,* at 880. We considered only whether the patrols had the "authority to *stop* automobiles in areas near the Mexican border," *id.,* at 874 (emphasis added), and expressed no opinion as to the appropriateness of questioning when an individual was already seized. See *United States* v. *Martinez-Fuerte,* 428 U. S. 543, 556–562 (1976). We certainly did not, as the Court of Appeals suggested, create a "requirement of particularized reasonable suspicion for purposes of inquiry into citizenship status." 332 F. 3d, at 1267.

See *Pierce County* v. *Guillen,* 537 U. S. 129, 148, n. 10 (2003); *National Collegiate Athletic Assn.* v. *Smith,* 525 U. S. 459, 469–470 (1999).

The judgment of the Court of Appeals is therefore vacated, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.