Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

MUEHLER ET AL. *v.* MENA

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

No. 03–1423. Argued December 8, 2004—Decided March 22, 2005

Respondent Mena and others were detained in handcuffs during a search of the premises they occupied. Petitioners were lead members of a police detachment executing a search warrant of these premises for, *inter alia*, deadly weapons and evidence of gang membership. Mena sued the officers under 42 U. S. C. §1983, and the District Court found in her favor. The Ninth Circuit affirmed, 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.

Held:

1. Mena's detention in handcuffs for the length of the search did not violate the Fourth Amendment. That detention is consistent with *Michigan* v. *Summers*, 452 U. S. 692, 705, in which the Court 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." The Court there noted that minimizing the risk of harm to officers is a substantial justification for detaining an occupant during a search, *id.*, at 702–703, and ruled that an officer's authority to detain incident to a search is categorical and 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. 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 under *Summers*. Inherent in *Summers*' authorization to detain is the authority to use reasonable force to effectuate the detention. See *Graham* v. *Connor*, 490 U. S. 386, 396. The use of force in the form of handcuffs to detain Mena

Syllabus

was reasonable because the governmental interest in minimizing the risk of harm to both officers and occupants, at its maximum when a warrant authorizes a search for weapons and a wanted gang member resides on the premises, outweighs the marginal intrusion. See *id.*, at 396–397. Moreover, the need to detain multiple occupants made the use of handcuffs all the more reasonable. Cf. *Maryland* v. *Wilson*, 519 U. S. 408, 414. 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. Pp. 4–7.

2. The officers' questioning of Mena about her immigration status during her detention did not violate her Fourth Amendment rights. The Ninth Circuit's holding to the contrary appears premised on the assumption that the officers were required to have independent reasonable suspicion in order to so question Mena. However, this Court has "held repeatedly that mere police questioning does not constitute a seizure." *Florida* v. *Bostick*, 501 U. S. 429, 434. 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. Cf. *Illinois* v. *Caballes*, 543 U. S. ___ , ___ (slip op., at 2–4). Pp. 7–8.

3. Because the Ninth Circuit did not address Mena's alternative argument that her detention extended beyond the time the police completed the tasks incident to the search, this Court declines to address it. See, *e.g., Pierce County* v. *Guillen,* 537 U. S. 129, 148, n. 10. Pp. 8–9.

332 F. 3d 1255, vacated and remanded.

REHNQUIST, C. J., delivered the opinion of the Court, in which O'CONNOR, SCALIA, KENNEDY, and THOMAS, JJ., joined. KENNEDY, J., filed a concurring opinion. STEVENS, J., filed an opinion concurring in the judgment, in which SOUTER, GINSBURG, and BREYER, JJ., joined.