

From Minor Infraction to Major Overreach: Meshal v. Commissioner Challenges Traffic Stop Extensions and Unlawful Searches

Description

The United States Court of Appeals for the Eleventh Circuit recently rendered a decision in *Meshal v. Commissioner, Georgia Dept. of Public Safety*, where the Court considered under what circumstances an officer may be denied qualified immunity for extending a traffic stop. Specifically, is a call to the FBI concerning a driver's status on the No-Fly List equivalent to a warrants check?

The case arose after Amir Meshal, a professional truck driver, was stopped by Georgia State Police officers for a minor traffic infraction: following another vehicle too closely. Meshal was driving his semi-truck through Georgia on a routine delivery. During the stop, the officers ran Meshal's information and received a notification that he was listed on the FBI's No-Fly List. The notice included explicit instructions not to detain Meshal based solely on his presence on the list. Nevertheless, the officers proceeded to handcuff him and place him in the back of their patrol car while contacting the FBI for further guidance. What should have been a brief traffic stop extended into a 91-minute detention far longer than necessary to address the initial infraction. While waiting for a response from the FBI, Officers Frink and Janufka searched Meshal's semi-truck without a warrant. During this search, they questioned Meshal about various unrelated topics, including his religion, his history of international travel, and a prior arrest for driving with a suspended license. They also noted that Meshal had recently delivered a load to Miami, the site of the upcoming Super Bowl. The officers found no contraband or evidence of criminal activity. After receiving an all-clear from the FBI, they released Meshal with a warning citation for the original traffic infraction.

Following this incident, Meshal filed a lawsuit against the officers, alleging violations of his Fourth Amendment rights. Specifically, he claimed that the officers unlawfully extended the traffic stop and conducted a warrantless search of his truck without probable cause. The officers moved to dismiss the case, asserting qualified immunity. However, the district court denied their motion, finding that Meshal's complaint sufficiently alleged that his rights were violated and that those rights were clearly established at the time of the stop.

The officers appealed, bringing the case before the Eleventh Circuit for review. When the case reached the Eleventh Circuit, the Court affirmed the district court's denial of qualified immunity. The Court made two key findings: First, that the officers lacked even arguable reasonable suspicion to justify prolonging the traffic stop beyond the time necessary to complete tasks related to the traffic infraction, and second, that the search of Meshal's truck was not supported by probable cause.

First, the Court considered whether the officers' actions in prolonging the stop violated the plaintiff's constitutional rights. A stop exceeding the time needed to handle the matter for which the stop was made violates the Constitution's protections against unreasonable seizures unless that extension is supported by reasonable suspicion of other criminal activity. Here, after discovering that Meshal was on the No-Fly List, Officer Janufka and the other officers extended his seizure for a total of an hour and a half far longer than it should have taken to complete a simple traffic stop absent arguable reasonable suspicion of other criminal activity by Meshal.

The officers insisted that the extension was justified for two reasons. First, they argued that officers may detain a driver after a traffic stop for as long as it takes to complete tasks tied to the traffic infraction. Calling the FBI and waiting for a response was simply an “ordinary inquiry incident to the traffic stop” like determining whether there are outstanding warrants against the driver making Meshal’s prolonged detention reasonable. Second, the officers argued that Meshal’s detention was justified because they reasonably suspected that he was engaged in criminal activity unrelated to the traffic stop.

Unpersuaded, the Court struck down both justifications presented by the officers. First, the officers’ call to the FBI was not an ordinary inquiry incident to the traffic stop for following another vehicle too closely and was not related to the mission of that stop. Second, the officers lacked an independent basis to extend the traffic stop because they could not point to specifics that provided anything more than a hunch that Meshal was involved in some kind of terrorist activity concerning the upcoming Super Bowl.

Moving to the second prong of the qualified immunity analysis, the Court considered whether Meshal’s rights were clearly established at the time of the stop. To determine whether a right is clearly established, the Court asks whether it would be clear to a reasonable official that his conduct was unlawful in the situation he confronted. Here, based on the facts as alleged in the complaint, a reasonable police officer could not have believed that Meshal’s long-ago arrest for driving with a suspended license, his delivery trip to Miami, and his mere presence on the No-Fly List were sufficient to detain him for more than an hour and a half. This is especially true given the numerous explicit warnings in the same NCIC notice that flagged Meshal’s no-fly status. The district court noted that the officers seemed to equate his presence on the list with vague criminal activity, disregarding his constitutional rights—a conclusion both incorrect and unreasonable. Under *Rodriguez v. United States*, extending the stop beyond the time it took for them to conduct tasks incident to the stop, absent any reasonable suspicion of other criminal activity, violated Meshal’s Fourth Amendment rights.

The Court then addressed Meshal’s second claim regarding the unlawful search of his truck and determined that the officers were not entitled to qualified immunity on this claim. This claim was grounded in the allegation that Officer Frink, at the apparent direction of Officer Janufka, opened the passenger-side door of the semi-truck and physically lifted his dog into the cabin of the vehicle before entering the truck himself for approximately a minute and a half.

Under the automobile exception to the Fourth Amendment, officers may search an automobile without a warrant so long as they have probable cause to do so. Probable cause to search a vehicle exists where an officer could conclude that there is a fair probability that contraband or evidence of a crime will be found in the vehicle. The Court explained that, under Meshal’s version of events, the officers lacked reasonable suspicion of a crime sufficient to detain Meshal longer than it would have taken to check his license and registration and write his traffic ticket. This earlier determination also implied that the officers lacked probable cause to search Meshal’s truck for contraband or evidence of a crime. Absent probable cause, the officers were not entitled to qualified immunity.

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