

**07-751 PEARSON, ET AL V. CALLAHAN**

DECISION BELOW: 494 F3d 891

LOWER COURT CASE NUMBER: 06-4135

**QUESTION PRESENTED:**

(1) Several lower courts have recognized a "consent once removed" exception to the Fourth Amendment warrant requirement. Does this exception authorize police officers to enter a home without a warrant immediately after an undercover informant buys drugs inside (as the Sixth and Seventh Circuits have held), or does the warrantless entry in such circumstances violate the Fourth Amendment (as the Tenth Circuit held below)?

(2) Did the Tenth Circuit properly deny qualified immunity when the only decisions directly on point had all upheld similar warrantless entries?

IN ADDITION TO THE QUESTIONS PRESENTED BY THE PETITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: "WHETHER THE COURT'S DECISION IN *SAUCIER V. KATZ*, 533 U.S. 194 (2001) SHOULD BE OVERRULED?"

CERT. GRANTED 3/24/2008