

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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March 31, 2020

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 18-11679-U
Case Style: USA v. Wali Ross
District Court Docket No: 3:17-cr-00086-MCR-1

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

The attorneys are instructed to brief the following issue:

The Supreme Court's decisions in *Rakas v. Illinois*, 439 U.S. 128 (1978), and *Byrd v. United States*, 138 S. Ct. 1518 (2018), distinguish Article III standing, which implicates this Court's subject-matter jurisdiction, from Fourth Amendment "standing," which is a non-jurisdictional merits issue pertaining to an individual's right to challenge a search or seizure. Should this Court's decision in *United States v. Sparks*, 806 F.3d 1323 (11th Cir. 2015), be overruled to the extent that it holds that a suspect's abandonment of an item or premises implicates both Fourth Amendment *and* Article III standing?

The parties are permitted to file 15-page double-spaced briefs addressing the question presented, and they are directed to file those briefs within two weeks from the date of this briefing notice.

There will be no oral argument.

Sincerely,

DAVID J. SMITH, Clerk of Court

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