

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF ATLANTA**

UNITED STATES OF AMERICA,		
		CRIMINAL CASE
v.		NO. 1:25-cr-267-SEG-JSA
JULIUS HOUSTON,		
Defendant.		

**REPORT AND RECOMMENDATION ON MOTIONS
TO SUPPRESS EVIDENCE AND STATEMENTS**

Defendant Julius Houston was allegedly found with a firearm in his baggage at a Transportation Safety Administration (“TSA”) checkpoint in Atlanta’s Hartsfield-Jackson International Airport (“Atlanta Airport”). The case is before the Court on Defendant’s Motions to Suppress the search of his baggage [20] and to Suppress his Statements [12]. After an evidentiary hearing [Transcript (“Tr.”) [41]] and briefing, it is **RECOMMENDED** that these Motions be **DENIED**.

I. FACTUAL BACKGROUND

Defendant went through security at the Atlanta Airport on November 8, 2022. Tr. at 13- 17. A TSA Officer operating the x-ray baggage screening machine observed what appeared to be the image of a gun inside of a game console in Defendant’s bag. *Id.* at 7, 13-15, 20-21. After a supervisor agreed that the x-ray appeared to show a gun, the TSA Officer called for the Atlanta Police Officer on

duty in the security area to come over. *Id.* at 15-16, 27-28. The TSA Officer also asked Defendant to confirm that it was his bag (which he did). *Id.* at 22.

Two other uniformed APD Officers (Officers Hussain and Pierre) approached Defendant and asked him to come with them to the APD station office within the Atlanta Airport. *Id.* at 42-44, 54. Defendant was directed to sit on a bench in the waiting area and eventually a third Officer came to join the group. *Id.* at 69. The officers conducted this additional inspection at the airport precinct for safety reasons, including to provide a safer location away from travelers to clear any weapon if necessary. *Id.* at 42. Further,

We told him because he -- he said this firearm belongs to him and he wanted his firearm, so we -- we cannot hand it over, a gun, to him at the checkpoint where the general public is there. We don't know there's a cylinder, where is the cylinder without investigation. We cannot just give the firearm in general public area where it's going to be dangerous to other people, risk for other people's lives, too.

Id. at 62. Officer Pierre thus opened the gaming console, including by removing screws, and found a revolver inside, although apparently without a cylinder. *Id.* at 38-39, 54-55, 63-64.

At the APD office, Defendant was never handcuffed, placed in a holding cell, or otherwise informed that he was under arrest. *Id.* at 43-45, 48. The Officers never unholstered their weapons. *Id.* at 75. The Officers questioned Defendant about the gun, including whether he had a permit, why it was packaged the way it was, and whether he intended to avoid it being screened. *Id.* at 65, 70; Def. Ex. 1

(video footage) at 12:00-24:40; 40:00-50:00. This discussion was in the context of Defendant insisting that the officers return his gun to him. Tr. at 60 (“Q. He wasn't told, Mr. Houston, you're free to go, get on the plane train and go down to your gate for your flight, he wasn't told that? A. No, because he wanted his gun.... I believe that when we got the firearm, he wanted his firearm back. And he was showing us all the details that he purchased the firearm and where was the cylinder, the cylinder was missing. We said, Where is the cylinder? He said he shipped it already to California or somewhere.”)

After questioning and receiving the results of record checks, Defendant was released and allowed to board his flight without the gun. *Id.* at 46. The gun was retained by the APD but Defendant was informed he could arrange to pick it up at a later time. *Id.* No *Miranda* warnings were issued during this incident. *Id.* at 48. Although no suggestion of this was apparently discussed in the airport on that day, Defendant was then indicted about two and half years later for attempting to bring a firearm onto a flight and for possession a firearm through a secure airport checkpoint.

II. DISCUSSION

A. Motion to Suppress Search

Defendant moves to suppress the results of the search of his baggage and the game console found within the baggage. It is undisputed that the police lacked a

warrant to search these items. Nevertheless, the searches at issue occurred while passing through a secure airport checkpoint, and such searches are generally found to fall within the administrative search exception to the Fourth Amendment's search warrant requirement.

Specifically, it is well established that “[a]irport authorities . . . are justified in ‘undertaking a search with sufficient scope to reveal any object or instrumentality that [the passenger] could reasonably have used to effect an act of air piracy.’” *United States v. Lopez-Pages*, 767 F.2d 776, 778 (11th Cir. 1985) (citing *United States v. Skipwith*, 482 F.2d 1272, 1277 (5th Cir. 1973)); see also *Corbett v. Transportation Security Admin.*, 767 F.3d 1171, 1179 n. 4 (11th Cir. 2014) (holding that the scanning of passengers “is a reasonable administrative search under the Fourth Amendment”); *Chandler v. Miller*, 520 U.S. 305, 323, 117 S.Ct. 1295, 1305, 137 L.Ed.2d 513 (1997) (“[W]here the risk to public safety is substantial and real, blanket suspicionless searches calibrated to the risk may rank as ‘reasonable’—for example, searches now routine at airports....”); see also *Nat’l Treasury Emps. Union v. Von Raab*, 489 U.S. 656, 674–75 & n. 3, 109 S.Ct. 1384, 1395 & n. 3, 103 L.Ed.2d 685 (1989) (providing as an example of a suspicionless search that may qualify as reasonable “the Federal Government’s practice of requiring the search of all passengers seeking to board commercial airliners, as well as the search of their carry-on luggage, without any basis for suspecting any

particular passenger of an untoward motive”). The Eleventh Circuit has also made clear that “passengers who voluntarily present themselves at airport security checkpoints automatically consent to a search of their carry-on articles.” *United States v. McKennon*, 814 F.2d 1539, 1545 (11th Cir. 1987).

Defendant makes no specific argument as to why the administrative search exception should not apply. To the contrary, Defendant appears to acknowledge that the administrative search exception for airport security screenings as currently formulated by the Eleventh Circuit would require that the motion be resolved against him, and he only asserts that he wishes to preserve the challenge to the reasonableness of the search notwithstanding such authority. *See* Def. Br. [52] at 7. Defendant’s failure to present any particularized argument for suppression would generally lead the Court to deny his motion.

The Court nevertheless finds it appropriate to consider some additional points not specifically argued by Defendant. For one thing, the Court notes that the involvement of police officers with criminal investigatory powers *can* transform a regulatory search into something more. Indeed, administrative searches such as airport screenings are still governed by the Fourth Amendment's reasonableness requirements. *Bruce v. Beary*, 498 F.3d 1232, 1249 (11th Cir. 2007). Thus, an administrative search is only justified if it remains within the scope of administrative purpose to protect threats to aviation; if a search is conducted for

criminal investigatory purposes, it may not be justifiable under the administrative exception. *See United States v. McCarty*, 648 F.3d 820, 831 (9th Cir. 2011).

The assistance of airport-based police in conducting a more detailed inspection than is possible or appropriate at the TSA security magnetometer, however, generally remains part of the original administrative search. *See United States v. Hartwell*, 436 F.3d 174, 174-176 (3rd Cir. 2006) (Alito, C.J.) (TSA-based screening and alleged follow-up searches by airport-based police were justified by the administrative search doctrine); *United States v. \$115,413 in U.S. Currency*, 665 F.Supp.3d 770, 781 (E.D.N.C. March 28, 2023) (the inspection of a passenger at a TSA screening checkpoint and follow-up search by airport-based police at a separate office was part of an ongoing administrative search not subject to suppression).

Defendant does not draw any distinction in his argument as to the involvement of the police and TSA. Nevertheless, the Court *sua sponte* has considered the record and finds that the evidence shows the police actions to be part of the ongoing administrative search that began when Defendant voluntarily placed his bag on the x-ray belt.

The officers testified that they took him to the precinct office to continue the inspection, because it was inappropriate and unsafe to open and inspect a potential live firearm in the middle of a busy screening checkpoint. Tr. at 42, 60-62. The

police also explained that they could not return Defendant's property and allow him to travel, as he was demanding, without inspecting the apparent firearm in more detail. *Id.*

Once they located and secured the weapon from within the gaming console, the police did not arrest Defendant. Rather, they allowed him to his journey, albeit without the gun. Their parting words regarding the gun were to assure Defendant that, although he could not fly with it, he could arrange to pick it up at another time. These statements and actions were all consistent with an inspection performed, at least in major part, for purposes of air safety. While the police also asked Defendant questions about why he packaged the gun in such an apparently secretive way, and although they conducted checks into his criminal history, these topics also related to whether he was an air safety threat. Indeed, had the police been motivated by the primary purpose of identifying criminal activity and arresting Defendant, they could have done so. By the end of their inspection of the game console, the police knew all the facts upon which this Indictment was later based. Yet the police simply sent Defendant on his way to his flight without the weapon. The Court finds no basis on this record to suppress this administrative search.¹

¹ Moreover, although there is some division of opinion among courts, the Eleventh Circuit appears to be among those that have endorsed an "implied consent" theory by which, regardless of the application of the administrative exception to the

B. Motion To Suppress Statements

Defendant also argues that his statements to the police should be suppressed as having been coerced and made without so-called *Miranda* warnings.

In *Jackson v. Denno*, 378 U.S. 368 (1964), the Supreme Court held that when a defendant objects to the introduction of a statement to law enforcement as involuntary, due process requires the trial court to make an independent determination that the statement was voluntary before it may be heard by the jury. A two-part inquiry determines the admissibility of a self-incriminating statement. First, the court must consider whether the Government complied with the requirements of *Miranda v. Arizona*, 384 U.S. 436 (1966). Second, the court must consider whether the statement was voluntary. *United States v. Jones*, 32 F.3d 1512, 1516 (11th Cir.1994).

In *Miranda*, 384 U.S. at 436, the Supreme Court held that a suspect in custody must be advised of his right to remain silent and of his right to the assistance of counsel prior to any interrogation. The Government has the burden to

warrant requirement, “those presenting themselves at a security checkpoint thereby consent automatically to a search, and may not revoke that consent if the authorities elect to conduct a search.” *McKennon*, 814 F.2d at 1545 (*citing Skipwith*, 482 F.2d at 1276-1281); *but see Hartwell*, 436 F.3d 180 n. 11 (Alito, C.J.) (noting disagreement among courts as to whether a “consent” theory should apply to airport screenings, and declining to reach the issue). Although it is not necessary to rely solely on this principle, this also independently requires denial of suppression here.

show the knowing and intelligent nature of a *Miranda* waiver. *Id.* at 475. The Supreme Court instructs courts to look for two things:

First, the relinquishment of the right must have been voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception. Second, the waiver must have been made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it. Only if the totality of the circumstances surrounding the interrogation reveal[s] both an uncoerced choice and the requisite level of comprehension may a court properly conclude that the *Miranda* rights have been waived. *Moran v. Burbine*, 475 U.S. 412, 421 (1986) (quotation marks and citation omitted).

Determining whether a statement and/or waiver is voluntary depends on whether, under all of the surrounding circumstances, the statement was the product of the accused's "free and rational" choice. *United States v. Jones*, 32 F.3d 1512, 1516 (1994); *see Arizona v. Fulminate*, 499 U.S. 279, 285–88 (1991). The Eleventh Circuit has stated:

Sufficiently coercive conduct normally involves subjecting the accused to an exhaustingly long interrogation, the application of physical force or the threat to do so, or the making of a promise that induces a confession. Isolated incidents of police deception, and discussions of realistic penalties for cooperative and non-cooperative defendants, are normally insufficient to preclude free choice.

Jones, 32 F.3d at 1517 (quotation omitted).

Defendant's arguments for suppression are meritless. At the outset, for purposes of *Miranda*, Defendant fails to meet his initial burden to demonstrate that he had been arrested. He was never placed in any cuffs, handled in any coercive

manner, or told he was under arrest. All he was told, rather, was that it was necessary to continue the inspection in the precinct office for safety reasons. When the process was complete, he was simply allowed to leave and continue his journey. Nothing about this scenario remotely suggests that Defendant was under arrest during any of this encounter and that *Miranda* warnings were thus required.

Similarly, the facts show that any statements by Defendant were not based on unconstitutional coercive tactics, torture, threats, or false promises. Defendant was briefly asked questions while sitting on a bench in a waiting area, without being cuffed or threatened, and was subsequently allowed to continue his trip. If anything, the testimony suggests that Defendant remained insistent on getting his property back, and was trying to convince the police that the gun lacked a cylinder and thus was no danger. Far from being forced into confessing to knowingly engaging in criminal activity, in other words, Defendant was apparently trying to explain why he believed he committed no violations and should be allowed to continue traveling with the gun. This conversation appears to have been fully consensual and not based on any unconstitutional coercive tactics. Suppression should be denied.

IT IS SO RECOMMENDED this 5th day of May, 2026.



JUSTIN S. ANAND
UNITED STATES MAGISTRATE JUDGE