

**U.S. COURT OF APPEALS FOR THE THIRD
CIRCUIT**

No. 25-2380

UNITED STATES OF AMERICA

v.

CHRISTOPHER ESSAMEDDIN BIRRY,
a/k/a Christopher Essam Birry,
Appellant

Appeal from
United States District Court for the M. D. Pa.
Judge Julia K. Munley,
No. 3:23-cr-00288-001

Before: Bibas, Chung, and Ambro, *Circuit Judges*
Argued Jun. 24, 2026; Decided Aug. 21, 2026

OPINION OF THE COURT

AMBRO, *Circuit Judge*

Christopher Essameddin Birry was the passenger in a car that police pulled over for having expired registration. Officers told Birry to step out of the car and briefly

questioned him. After repeatedly instructing him to keep his hands out of his pockets, an officer asked to search him. Birry consented. The officer gave him a full-body pat-down and discovered contraband in his pantleg. Birry moved to suppress, arguing that police unlawfully extended the traffic stop and that the search exceeded the scope of his consent. Because the traffic stop and search were constitutional, we affirm the District Court's denial of his motion.

I. FACTS & PROCEDURAL HISTORY

Just after 12:30 p.m. on September 11, 2023, a car with a cracked windshield caught the attention of Officer Evan Pratt of the Blakely, Pennsylvania Police Department. Pratt ran the car's registration and discovered it had expired in 2017, so he made a traffic stop. Another Blakely police officer, Michael Shaheen, joined the stop shortly after.

There were two men in the car: a driver, Austin Brallier, and a passenger, Birry. After approaching the car, Pratt asked Brallier for his license and proof of insurance. Brallier admitted the car was not insured and he did not have his license on him, but he asserted that he did have a valid license. At Pratt's request, Brallier stepped out of the car and provided his name and date of birth. When asked, Brallier could not precisely state where he was coming from, except to say that he was previously at a garage and he could not recall its name. Pratt asked Brallier about his passenger; Brallier responded that the man was a friend of his father who had

asked him for a ride and that he thought the man's name was Chris.

After radioing Brallier's information to the station, Pratt discovered he had an arrest warrant. Pratt placed Brallier in handcuffs, telling him he was not under arrest but was detained until they could determine the status of the warrant. While placing him in the back of the cruiser, Pratt explained to Brallier that they would have to tow his car because it was unregistered.

During this exchange, Officer Shaheen stood near the car. As Brallier was handcuffed and led to the cruiser, Birry leaned out of the passenger-side window and asked Shaheen if he could call a cab. Shaheen said, "We'll figure it out," then asked for Birry's identification. App. 35, Ex. B at 12:44:56. Birry handed Shaheen his state ID and explained he did not have a driver's license.

As Shaheen spoke with Birry, Pratt returned to the stopped car. Shaheen began running Birry's ID number and asked him to step out of the car. Pratt asked Birry how he knew Brallier, and Birry replied that he didn't know Brallier, only Brallier's father. During this conversation, Shaheen asked Birry to take his hands out of his pockets. After an exchange further described in Section IV.B below, Birry consented to a search.

Shaheen searched Birry's pockets and the inside of his cigarette pack but found nothing illegal. Shaheen asked Birry to turn around so he could search his waistband; Birry did so. While patting him down, Shaheen told Birry to "stop moving around." *Id.* at 12:47:41.

Shaheen noticed something in Birry's pantleg, so he instructed Birry to put his hands on the wall and asked what was in the pantleg. Birry responded, "What's in my pantleg—where?", and Shaheen asked Birry to put his hands behind his back so he could detain him. *Id.* at 12:47:50. Birry then attempted to flee but was tackled by the officers.

In Birry's pantleg, the officers found a small bag containing a loaded handgun, 27 grams of methamphetamine, 10 grams of fentanyl, personal use amounts of prescription drugs, hundreds of dollars in cash, and blue straws.

A grand jury indicted Birry on seven counts, some based on this traffic stop and others based on an unrelated investigation. The three counts based on the traffic stop were: (1) possession with intent to distribute a controlled substance in violation of 21 U.S.C. § 841, (2) using and carrying a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. §924(c)(1)(A)(i), and (3) unlawful possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g).

Birry moved to suppress the evidence found during the traffic stop, challenging the length of the stop and the scope of the search. After an evidentiary hearing at which both officers testified, the District Court denied the motion. Reserving his right to appeal the denial, Birry conditionally pled guilty to all seven counts. He brings that appeal now.

II. JURISDICTION

The District Court had subject matter jurisdiction under 18 U.S.C. § 3231. We have appellate jurisdiction under 28 U.S.C. § 1291.

III. STANDARD OF REVIEW

When considering the denial of a motion to suppress, “[w]e review findings of fact for clear error, but exercise plenary review over legal determinations.” *United States v. Dyer*, 54 F.4th 155, 158 (3d Cir. 2022). “‘Whether a traffic stop was unlawfully extended is a question of law’ that we review *de novo*.” *United States v. Ross*, 151 F.4th 487, 494 (3d Cir. 2025) (quoting *United States v. Hurtt*, 41 F.4th 152, 158 n.45 (3d Cir. 2022)). And “because the motion to suppress was denied, we must ‘view the facts in the light most favorable to the Government’ and draw reasonable inferences in its favor.” *Id.* (quoting *United States v. Garner*, 961 F.3d 264, 269 (3d Cir. 2020)).

IV. ANALYSIS

A. The duration of the traffic stop was constitutional.

“A traffic stop, however brief, constitutes a seizure under the Fourth Amendment and is subject to review for reasonableness.” *United States v. Hunter*, 88 F.4th 221, 224 (3d Cir. 2023). A lawfully initiated stop may “become ‘unreasonable,’ and thus violate the Constitution’s proscription, at some later time.” *United States v. Clark*, 902 F.3d 404, 409 (3d Cir. 2018).

The reasonable duration of a traffic stop is based on its dual missions: to “address the traffic violation that warranted the stop” and to “attend to related safety concerns.” *Rodriguez v. United States*, 575 U.S. 348, 354 (2015). “Authority for the seizure [] ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.” *Id.* Although officers “may conduct certain unrelated checks,” they “may not do so in a way that prolongs the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual.” *Id.* at 355. In short, “an unlawful seizure occurs when an officer (1) diverts from the infraction-and-safety-based mission of the stop to investigate other criminal conduct, (2) in a way that meaningfully prolongs the stop, and (3) the investigative detour is unsupported by any independent reasonable suspicion.” *Ross*, 151 F.4th at 496 (citing *United States v. Green*, 897 F.3d 173, 179 (3d Cir. 2018)).

Birry contends the officers went off mission as soon as Pratt “shifted [] attention directly to [him],” even before the officers started questioning him. Opening Br. 16. He argues Pratt should have focused on traffic-related tasks, like arranging a tow, instead of joining Shaheen and watching Birry as he left the car. But police may check passengers’ identifications and request that they step out of the car during a traffic stop.¹ *See Hunter*, 88 F.4th at

¹ Birry contends the request to step out could not have been motivated by officer safety because it occurred before dispatch had responded regarding his warrant status. But the purpose of the categorical holding in *Maryland v. Wilson* is to distance

224; *Maryland v. Wilson*, 519 U.S. 408, 415 (1997). And it was not unreasonable for Pratt to support Shaheen in doing so. Indeed, the officers ultimately took different roles in the conversation, one asking Birry for information while the other observed his movements. Therefore, the officers did not go off mission before they started questioning Birry.

Moving into the officers' questioning, we apply the framework recently established by our Court in *Ross*. There, we sorted questions from police during a traffic stop into four categories: (1) small talk, (2) infraction-related inquiries, (3) safety-related inquiries, and (4) off-mission inquiries. *Ross*, 151 F.4th at 496–99. The first three are on-mission; the fourth is not.

Pratt asked Birry four questions before Shaheen searched him:

- “How do you know this guy?” App. 35, Ex. A at 12:46:29.
- “Do you know him, like, or?” *Id.* at 12:46:40.
- “Where’s he giving you a ride from?” *Id.* at 12:46:45.
- “Oh, okay, so you’re going back to Wilkes-Barre?” *Id.* at 12:46:48.

passengers from any concealed weapons in the car, so its application here does not depend on whether Birry had outstanding warrants. *See* 519 U.S. at 414–15.

And before requesting consent to search, Shaheen asked:

- “Do you have an ID on you, brother?” App. 35, Ex. B at 12:45:00.
- “You don’t have a driver’s license on you, do you?” *Id.* at 12:45:10.
- “Do you have anything in your pockets?” *Id.* at 12:46:48.

These questions were not small talk. Nor were they infraction-related inquiries. Once a license check confirms a driver’s authorization to operate the vehicle, further questioning of his passenger goes “beyond ‘ordinary inquiries incident to the traffic stop.’” *Clark*, 902 F.3d at 411 (quoting *Rodriguez*, 575 U.S. at 355). These questions were irrelevant to “assessing whether the driver is legally on the road”—the officers already knew he wasn’t—or “processing the ticket.” *Ross*, 151 F.4th at 497.

However, the inquiries were related to officer safety, which we have said is “mission-critical.” *Id.* Unlike the driver in *Clark*, Brallier appeared to have an outstanding arrest warrant. While the officers waited for confirmation of that fact, it was reasonable to ask Birry about his relationship with Brallier as a safety precaution. Gathering information about why Birry was traveling with Brallier helped the officers “assess potential risks involved . . . and gauge what additional precautions may be necessary.” *Id.* (internal quotations omitted). And Shaheen’s question about what Birry had in his pockets falls squarely into the safety-related category as well.

Therefore, the officers did not go off mission while questioning Birry, and the duration of the traffic stop was constitutionally sound.

B. The search remained within the scope of Birry's oral consent.

Birry argues the fruits of the search must be suppressed for a second reason: that it exceeded the scope of his consent. We disagree.

“[A] search conducted pursuant to consent is one of the specifically established exceptions to the warrant requirement.” *United States v. Wilson*, 413 F.3d 382, 388 (3d Cir. 2005) (quoting *United States v. Givan*, 320 F.3d 452, 459 (3d Cir. 2003)). The Supreme Court has “long approved consensual searches because it is no doubt reasonable for the police to conduct a search once they have been permitted to do so.” *Florida v. Jimeno*, 500 U.S. 248, 250–51 (1991) (citing *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973)). The legal bounds of a consensual search are what “the typical reasonable person [would] have understood by the exchange between the officer and the suspect.” *United States v. Williams*, 898 F.3d 323, 329 (3d Cir. 2018) (quoting *Jimeno*, 500 U.S. at 251).

Birry does not contend he withdrew his consent, only that the search exceeded its bounds.² And he does not

² Nor would any argument regarding withdrawal succeed. The only fact potentially relevant to withdrawal is that, as the search went on, Birry angled his body away from Shaheen. But

dispute there was cause for a protective frisk after Shaheen saw an object in his pantleg. Therefore, the only contested question is whether the search exceeded the scope of Birry's consent from the moment it began to the moment Shaheen noticed the pantleg object.

Birry argues Shaheen's search request was framed as a pockets-only check for weapons. He maintains that is all he consented to—not a full-body pat-down search. However, their exchange indicates otherwise.

The interaction eventually culminating in the search began after Shaheen told Birry to keep his hands out of his pockets. Then Shaheen asked if he had anything in his pockets. Birry replied, "I might—do you want to check it?" App. 35, Ex. A at 12:46:52. Shaheen responded, "You might?", told him to keep his hands up, and asked if he had anything Shaheen should know about. *Id.* at 12:46:54. Birry said he had headphones and cigarettes. Pratt asked if he had anything illegal on him, and Birry said no. At this point, Shaheen asked, "Can I search you?" *Id.* at 12:46:59. Birry replied, "I mean . . . yeah, I mean, I don't have anything on me." *Id.* at 12:47:00. Shaheen said, "Okay, I'll just take a quick look, then I'll let you put your hands back in your pockets." *Id.* at 12:47:02. Pratt

"[a]lthough defendants need not use a special set of words to withdraw consent, they must do more than express unhappiness about the search to which they consented." *Williams*, 898 F.3d at 331.

added, “Then we can relax, you know what I mean?” *Id.* at 12:47:05.

With an additional sentence or two, Birry might have limited his consent to a search of his pockets. But he did not. Although the exchange began with a focus on Birry’s pockets, Pratt eventually asked in general terms if he had anything illegal on him. And though Birry offered to let the officers check his pockets, they did not accept that offer. Instead, Shaheen requested a search of Birry generally, not just his pockets. Birry’s answer was similarly general, alleging there wasn’t anything on him, not just in his pockets. Finally, Shaheen’s reference to letting Birry put his hands back in his pockets after the search seems to be a metonym for being put at ease, especially in the context of Pratt’s comment that a search would let all of them “relax.”

Viewing the facts in the light most favorable to the Government, as we must in this posture, we conclude that a “typical reasonable person [would] have understood by the exchange between the officer and the suspect” that the request to search was not limited to Birry’s pockets. *See Williams*, 898 F.3d at 329. Therefore, the search did not exceed the scope of consent.

* * * * *

Both the traffic stop and the search stayed within their constitutional limits. Accordingly, we affirm the District Court’s denial of Birry’s motion to suppress.

Counsel for Appellant

Cristin D. Lantz [Argued]

OFFICE OF THE PUBLIC DEFENDER

Counsel for Appellee

Patrick J. Bannon [Argued]

OFFICE OF THE UNITED STATES ATTORNEY